

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

WP.No.13618 of 2020

V.G. Jayakumar

...Petitioner

Vs.

The Sub-Registrar,
Registration Office,
Uthiramerur,
Kancheepuram District

...Respondent

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondent to allow the petitioner to execute and register the sale deed in respect of property of land situated at No.20, Serpakkam Village, Uthiramerur (Taluk), Kancheepuram District, comprised in Survey No.80/1B2A, New Survey No.80/4, measuring to an extent of 0.46.5 Ares (or) Acre 1.15 cent and survey in 80/1B1, New Survey No.80/1B1B measuring to an extent of 0.13 (or) Acres 0.32 cent and survey in 80/1 New Survey No.80/1B1A measuring to an extent of ares 0.51.0 (or) Acres 1.26 cent and acres 0.76 cent within the Registration District of Cehngalpattu.

For Petitioner : Mr.S.Arivazhagan

For Respondents: Mr.T.M. Pappiah,
Spl.Govt. Pleader

O R D E R

This Writ Petition has been filed for issue of Writ of Mandamus directing the respondents to register the sale deed presented by the petitioner and to release the same.

2. The case of the petitioner is that he became the owner of the property by virtue of registered sale deeds dated 28.11.2013 and 10.10.2014. There was a criminal case filed against the petitioner and his wife in Crime No.149/2018 on the file of the Inspector of Police, Central Crime Branch, Chennai.

This also became the subject matter of enquiry by the Enforcement Directorate. During the pendency of the investigation, a property worth Rs. 2 crores was settled in favour of the defacto complainant. Recording the same both the petitioner and his wife were granted anticipatory bail by this Court.

3. The petitioner wanted to deal with the subject property and a sale deed was executed and was presented before the respondent. The grievance of the petitioner is that the respondent refused to register the sale deed based on a letter received from the Enforcement Directorate. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Learned counsel for the petitioner submitted that the Enforcement Directorate did not give any directions to the respondent not to register any documents that are presented for registration. The Enforcement Directorate had merely sought for some information from the respondent with regard to the transactions that have been taken place with respect to the subject property. The learned counsel submitted that mere seeking for information, cannot be a ground for the respondent not to register any document submitted by the petitioner.

5. Heard Mr. S. Arivazhagan, learned counsel for the petitioner and Mr. T. M. Pappiah, learned Special Govt. Pleader appearing for the respondents.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The Enforcement Directorate has merely sought for some information from the respondent with regard to the transactions that had taken place with respect to the subject property. This cannot be construed to be a bar for the respondent to register any document. The respondent can refuse to register the documents only if there is a provisional attachment order passed by the Enforcement Directorate and in the absence of the same, there is no bar for the petitioner to deal with the property.

8. In view of the above, there shall be a direction to the respondent to entertain the sale deed presented by the petitioner for registration and register the same, if it is otherwise in order and subject to the condition that the petitioner pays the necessary stamp duty and registration fees. Before undertaking the exercise, the respondent shall confirm that there is no attachment order passed by the Enforcement Directorate.

9. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

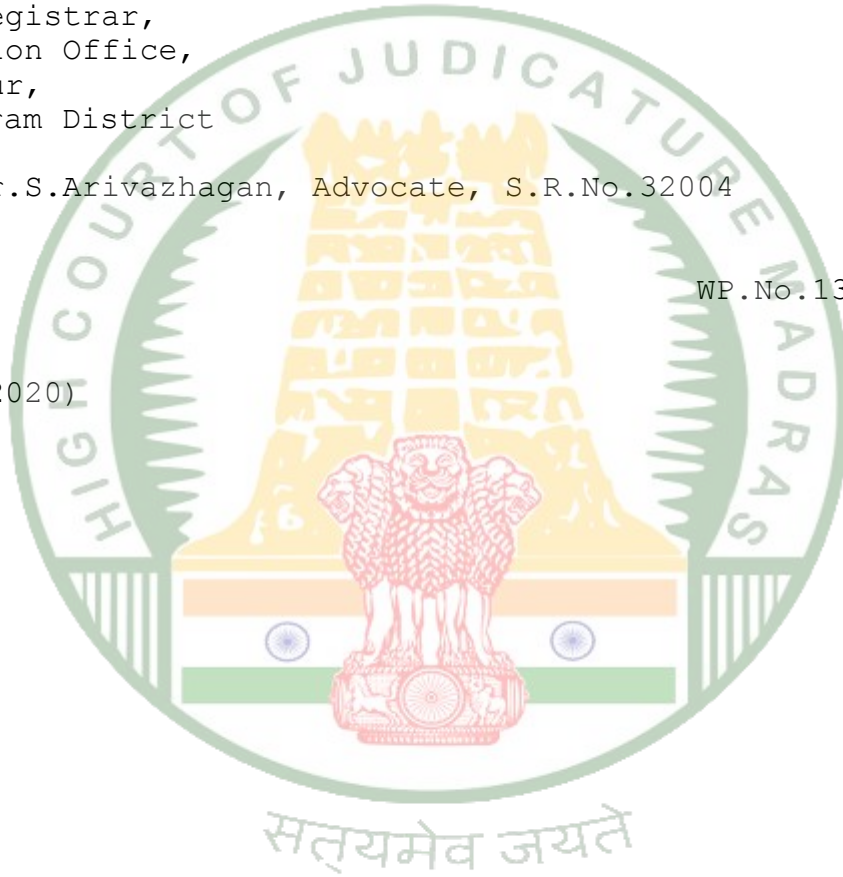
To

The Sub-Registrar,
Registration Office,
Uthiramerur,
Kancheepuram District

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No.32004

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SS(CO)
RV(23/11/2020)



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