



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2810 of 2021

and

W.M.P.(MD)Nos.2300 and 2301 of 2021

WEB COPY

P.Veerapathiran

... Petitioner

-Vs-

1.The Inspector of Police,
District Crime Branch,
Virudhunagar,
(Crime No.1 of 2020)

2.The Sub Registrar,
Kariyapatti Sub Registrar Office,
Virudhunagar District.

... Respondents

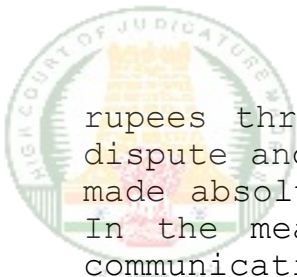
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned letter dated 26.12.2019 issued by the first respondent to the second respondent and quash the same as illegal.

For Petitioner	: Mr.T.Lajapathi Roy
For R1	: Mr.R.Murugan Additional Government Pleader
For R2	: Mr.M.Murugan Government Advocate

ORDER

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein had purchased the subject property comprised in Survey Nos.272/1, 26/3A1C, vide sale deed dated 18.01.2019 (Document No.147/2019) registered on the file of the second respondent. The person who sold the property in favour of the petitioner, had taken a power of attorney from his principal. That gave rise to certain controversies leading to registration of Crime No.1 of 2020 on the file of the District Crime Branch, Virudhunagar, for the offences under Sections 120B, 406, 420, 464, 467, 471 and 506(1) of IPC. The petitioner filed CrI.O.P.(MD)No.830 of 2020 seeking anticipatory bail. I initially granted interim bail and adjourned the matter to amicably resolve the dispute between the parties. It is now stated that the petitioner had paid a sum of



rupees three crore and ninety lakhs to the persons who raised the dispute and as a result, interim bail granted by me was subsequently made absolute on 24.11.2020 by another learned Judge of this Court. In the mean while, the first respondent has issued the impugned communication calling upon the second respondent not to entertain any document for registration pertaining to the subject property. This communication is put to challenge in this writ petition.

3.The first respondent has not been authorised by any statutory provision to issue the communication of this nature prohibiting the registering authority from carrying out his statutory responsibilities. It is *ex facie* lacking in jurisdiction. Therefore, I have no hesitation to set aside the impugned order. The impugned communication is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
District Crime Branch,
Virudhunagar.

2.The Sub Registrar,
Kariyapatti Sub Registrar Office,
Virudhunagar District.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-5272[F] dated 16/02/2021)

+2 CC to SPL GP (SR-5313,5614[F] dated 16/02/2021 &17.02.2021)

W.P. (MD)No.2810 of 2021

and

W.M.P. (MD)Nos.2300 and 2301 of 2021

15.02.2021

(KUN)