



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11997 of 2021

V.S.Mahalingam

... Petitioner

Vs.

The Joint Sub Registrar No.IV,
Madurai South, Madurai.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent, dated 23.02.2021, in respect of Document No.412 of 2020, dated 08.12.2020 and Document No.425 of 2020, dated 22.12.2020 and quash the same and consequently direct the respondent to return the documents, namely, Document No.412 of 2020, dated 08.12.2020 and Document No.425 of 2020, dated 22.12.2020.

For Petitioner	: Mr.R.Murali
For Respondent	: Mr.R.Suresh Kumar, Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned letter, issued by the respondent, dated, 23.02.2021 and for a consequential direction to the respondent to return the documents, which have already been registered as Document Nos.412 of 2020 and 425 of 2020.

2. The case of the petitioner is that he purchased the subject properties from three persons through two registered sale deeds registered as Document Nos.1118 and 1189 of 2019. It came to the knowledge of the petitioner that there was a criminal case pending against those three persons in Crime No.35 of 2020 on the ground that they have defrauded the original owner of the property.

3. Thereafter, the petitioner negotiated with the original owners of the property and they came to a compromise and thereby, a registered release deed was executed in favour of the petitioner by the original owners of the property on 08.12.2020 and it was registered as Document No.412 of 2020. A release deed was also executed in favour of the petitioner on 22.12.2020 and the same was registered as Document No.425 of 2020.



4. The grievance of the petitioner is that the above two documents inspite of being registered, was refused to be released to the petitioner on the ground that the criminal case is pending and therefore, the petitioner has to get a "No Objection" Certificate from the Central Crime Branch. Aggrieved by the same, the present Writ Petition has been filed before this Court.

5. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondent.

6. In the considered view of this Court, mere pendency of a criminal case can never be a ground for insisting for a "No Objection" Certificate. That apart, where a document has already been registered, the respondent becomes the *functus officio* and thereafter, such a registered document can never be retained by the respondent. The law on this issue is well settled.

7. In view of the above, the impugned order issued by the respondent, dated 23.02.2021, is hereby quashed and there shall be a direction to the respondent to release the documents registered as Document Nos.412 and 425 of 2020, within a period of one week from the date of receipt of a copy of this order.

8. The Writ Petition stands allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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

The Joint Sub Registrar No.IV,
Madurai South, Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-23098[F] dated 19/07/2021)

+1 CC to M/s.SPL GP (SR-23188[F] dated 19/07/2021)

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16.07.2021

SGS (CO)

LR (27.07.2021) 3P 4C