



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.14021 of 2020

and W.M.P. (MD) No.2240 of 2021

(Through Video Conference)

Yobu Swamy Dhasan.P

.... Petitioner

Vs.

1) The District Registrar,
Registration Department.
Thoothukudi District,
Thoothukudi.

2) The Sub Registrar,
Sri Vaigundam,
Thoothukkudi.

3) Pacl India Limited,
2, Thevarpuram Road,
Thoothukkudi- 625 010

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Ref.No.Refusal Check Slip No.RFL/Srivaigundam/11/2020 dated 23.09.2020 and quash the same as illegal and consequently direct the respondents to register the sale deed dated 23.09.2020 executed by the petitioner in respect of the land admeasuring an extent of 20 Acres and 17 cents situated at S.Nos.930, 931, 932 and 970/1 situated at Padmanabamangalam village, Palayamkottai Registration District within the period that may be stipulated by this Court.

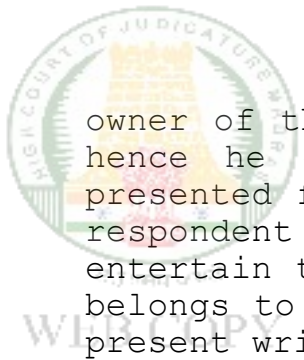
For Petitioner :Mr.Mohammed Athiff,
For Mr.V.Suresh Kanna

For R 1 & 2 :Mr.K.Sathiya Singh,
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned refusal check slips issued by the second respondent dated 23.09.2020 and for a consequential direction to the second respondent to accept the document for registration and release the document after registration.

2. The petitioner, who is the Power of Attorney Agent of the
<https://hcservices.ecourts.gov.in/hcservices/>



owner of the property wanted to deal with the subject property and hence he executed a sale deed on 22.09.2020 and the same was presented for registration before the second respondent. The second respondent through the impugned refusal check slips, refused to entertain the document on the ground that the property in question, belongs to the third respondent Company. Aggrieved by the same, the present writ petition has been filed before this Court.

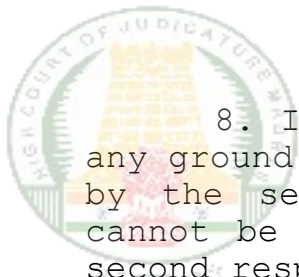
3. Heard Mr.Mohammed Athiff, learned counsel appearing on behalf of Mr.V.Suresh Kanna, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 1 and 2.

4. It is brought to the notice of this Court that the third respondent Company had collected deposits from various Investors and failed to repay back the same. The matter ultimately reached the Hon'ble Supreme Court and the Hon'ble Supreme Court by an order dated 02.02.2016, while hearing a batch of connected cases, appointed a Committee headed by the Former Chief Justice of India, who is the Chairman of the Committee and the Committee was directed to sell the properties belonging to the Company and to utilise the sale proceeds to repay back to the Investors.

5. While the above order was passed by the Hon'ble Supreme Court, an indication was given at paragraph no.13 of the order to the effect that the decision with regard to the sale of the property of the Company by the Committee shall not be interfered with by any Court. The very purpose of appointing a Committee was to ensure that the properties belonging to the Company are identified and they are brought for sale in order to enable the repayment of the investors.

6. In view of the above, the Committee has issued letters to the Registration Department by giving the particulars of all the properties belonging to the third respondent Company and has directed the Registration Department not to entertain any documents pertaining to these properties. On receipt of the letter, the Inspector General of Registration has also issued a Circular to the Sub Registrars not to entertain any documents for registration, which pertains to the properties identified and belonging to the third respondent Company.

7. The very purpose of issuing such a Circular is to ensure that third party rights are not created which will further complicate the process of selling the property of the third respondent and it will virtually put spokes on the functioning of the Committee. Therefore, there is a meaning behind the letter circulated by the Committee to the Registration Department not to entertain the documents pertaining to the identified properties belonging to the third respondent.



8. In view of the above discussion, this Court does not find any ground to interfere with the impugned refusal check slips issued by the second respondent. The direction given by the Committee cannot be construed to mean that the statutory functioning of the second respondent is being interfered with. It is important to bear in mind that the Hon'ble Supreme Court was dealing with a larger public interest, where the money collected from various depositors was not repaid back and therefore, a Committee was appointed to take steps to identify the properties and sell them and repay back the Investors. By issuing these directions, the Hon'ble Supreme Court is virtually acting through the Committee and therefore, the Committee was entitled to issue directions to the Registration Department not to entertain documents for registration pertaining to the properties belonging to the third respondent Company.

9. If the petitioner wants to deal with the subject properties, he has to necessarily approach the Committee and seek for a 'No Objection Certificate'. Unless such a 'No Objection Certificate' is given by the Committee, the second respondent cannot entertain the documents presented for registration. Except giving this liberty, this Court does not find any ground to interfere with the impugned refusal check slips issued by the second respondent.

10. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (cS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: 1) Registry is directed to return the original documents filed along with this writ petition to the learned counsel for the petitioner after retaining a copy of the same.

2) 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.



1) The District Registrar,
Registration Department.
Thoothukudi District,
Thoothukudi.

2) The Sub Registrar,
Sri Vaigundam,
Thoothukkudi.

+1 CC to M/s.SPL GP (SR-17720[F] dated 27/04/2021)

Order made in
W.P. (MD) No.14021 of 2020

Dated:
26.04.2021

CN(15.06.2021) 4P 4C