



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12594 of 2022 and
W.M.P.(MD)No.8926 of 2022

R. Udayakumar

... Petitioner

Vs.

1. The District Revenue Officer,
Office of the District Revenue Office,
Kanayakumari District.

2. The District Registrar,
Nagercoil, Kanyakumari District.

3. The Deputy Superintendent of Police,
Economics Offence Wing-II,
Nagercoil, Kanyakumari District.

4. The Inspector of Police,
Economics Offence Wing-II,
Nagercoil, Kanyakumari District.

5. The Sub Registrar,
Palugal, Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 1st respondent in his proceedings in C4/37134/2017, dated 27.11.2019 and consequential Impugned Refusal Check Slip dated 27.10.2021 vide Refusal



Number:RFL/Palugal/21/2021 passed by the 5th respondent and quash the same as illegal and consequently directing the 5th respondent to register the sale deed presented by the petitioner on 27.10.2021 in respect of his property comprised in Re-Survey No.30/10, Old Survey Nos.112,113, Palukal Village, Vilavancode Taluk, Kanyakumari District within the time stipulated by this Court and for other reliefs.

For Petitioner : Mr.J. Lawrance

For Respondents: Mr.K.S. Selva Ganesan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property is the petitioner's own property. He had mortgaged the same with a financial establishment known as Nirmal Krishna Chits Private Ltd. He had subsequently redeemed the mortgage and taken back the original title deed also. The mortgage was done in the year 2004, while the redemption was done in the year 2014. The redemption of mortgage had also been registered. The said



financial establishment committed default and Crime No.1 of 2017 came to be registered on the file of Economic Offence Wing-II, Nagercoil. Since the transaction that took place between the petitioner and the financial establishment was shown in the record, by inadvertence, the investigation officer sent a communication to the competent authority to attach the property in question. Based on the same, the communication was sent to the registering authority. When the petitioner wanted to deal with the property, the impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3. I wanted to know the stand of the respondents. I must place on record that the respondents have made a very fair statement before this Court. It appears that the subject property was never the asset of the financial establishment. It was out and out the private property of the petitioner. Merely because there was a mortgage transaction between the petitioner and the financial establishment, the property in question could not have been included in the assets of the offending firm.



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4. The Deputy Superintendent of Police, Economic Offence Wing-II has clarified that they have no objection for allowing this writ petition. Hence the impugned refusal check slip is quashed. The petitioner is at liberty to deal with the property in the manner known to law. As and when the document is presented for registration, the registering authority is directed to entertain the same and register the document subject to the fulfillment of the usual formalities.

5. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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