



W.P.(MD)No.20978 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.20978 of 2022

1.K.Mohamed Basheer
2.S.Nabisha Begum
3.K.Samsudeen
4.K.Kamarudeen
5.S.Sahul Hameed
6.M.Sharmila Banu

.. Petitioners

Versus

1.The Sub-Registrar,
Thuraiyur Sub-Registration Office,
Thuraiyur,
Trichy District.

2.The Inspector of Police,
Economic Offences Wing,
Tiruchirapalli.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the first respondent from refusing to register any document presented pertaining to the properties in Survey Nos.412/1, 412/2, 412/3, 412/4, 412/5, 412/6 and 412/7, Kottathur, Thuraiyur Taluk, Trichy District, on the pretext of the alleged entry said to be written upon the instructions of the second respondent in the book for guideline value maintained by the first respondent.

<https://www.mhc.tn.gov.in/judis> For Petitioners

: Mr.S.Ramsundarvijayraj



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For 1st Respondent : Mr.S.R.A.Ramachandran
Additional Government Pleader

For 2nd Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus, to forbear the first respondent from refusing to register any document presented pertaining to the properties in Survey Nos.412/1, 412/2, 412/3, 412/4, 412/5, 412/6 and 412/7, Kottathur, Thuraiyur Taluk, Trichy District, on the pretext of the alleged entry said to be written upon the instructions of the second respondent in the book for guideline value maintained by the first respondent.

2.The learned counsel for the petitioners submits that the father of the petitioners 1 to 4 and the grandfather of the petitioners 5 and 6 had purchased the properties in S.Nos.412/1, 412/2, 412/4, 412/5, 412/6 and 412/7, vide sale deed, bearing Document No.1973/1981, dated 21.07.1981. The mother of the petitioners 1 to 4 and the grandmother of the petitioners 5 and 6 had purchased the property in S.No.412/3, vide sale deed, bearing Document No.1974/1981, dated 21.07.1981. The father of the petitioners 1 to 4 and the grandfather of the petitioners 5 and 6 died intestate on 26.02.1996 and thereafter, the mother



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of the petitioners 1 to 4 and grandmother of the petitioners 5 and 6 died intestate on 08.05.2012, and thereby, the petitioners 2 to 4 and their sister Mumtaj became joint owners of the properties by inheritance. Thereafter, the sister of the petitioners 1 to 4 and the mother of the petitioners 5 and 6 died intestate on 29.05.2013, and thereby, all the petitioners herein have become joint owners of the properties, comprised in Survey Nos.412/1, 412/2, 412/3, 412/4, 412/5, 412/6 and 412/7, Kottathur, Thuraiyur Taluk, Trichy District, in all, measuring an extent of 5.07 cents and they are in absolute and peaceful joint possession and enjoyment of the said properties.

3.The learned counsel for the petitioners submits that the petitioners are working in different places and hence, they wanted to execute a Power of Attorney in favour of one G.Sekar, S/o.Gopalakrishnan. Accordingly, the petitioners executed a Power of Attorney Deed dated 11.05.2022 in favour of the said G.Sekar. When the said deed was presented for registration with the first respondent, he refused to register the said document on the pretext that in the book maintained for guideline value, there is a note to the effect that the said properties are involved in an offence in a case with the second respondent. The said deed was returned with a refusal check slip in No.RFL/Thuraiyur/94/2022 on 11.05.2022. The petitioners requested the first respondent to provide further details for ascertaining the true facts, but the first respondent refused to provide any further details.



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4.The learned counsel for the petitioners further submits that after repeated requests, the first respondent had written a letter vide Na.Ka.No. 250/2022, dated 18.05.2022, to the second respondent seeking clarification upon the alleged entry in the book maintained for the purpose of guideline value. In response to the said letter, the second respondent sent his reply dated 27.06.2022, stating that there is no such detail involving the said properties in any of the records with the Economic Offence Wing, Trichy. Thereafter, pursuant to the letter of the second respondent, dated 27.06.2022, the petitioners had approached the first respondent to register the Power of Attorney. However, the first respondent refused to register the same and represented that he would get further clarification from the second respondent. Thereafter, no action has been taken. The authorities cannot simply refuse to register the document, which is illegal and the same has to be set aside by this Court and the authorities should be directed to register the Power of Attorney executed by the petitioners.

5.The first respondent filed a counter affidavit stating that there was an entry on the rear side of the page pertaining to the aforesaid survey numbers to the effect that the said properties are involved in an economic offence and only based on the said entry made, the first respondent refused to register the document and issued refusal slip and directed the petitioners to obtain no



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objection certificate from the second respondent. On 18.05.2022 the first respondent had written a letter to the second respondent seeking clarification whether there is any criminal case pending in connection with the petitioners' lands in Survey Nos.412/1, 412/2, 412/3, 412/4, 412/5, 412/6 and 412/7, situated at Kottathur, Thuraiyur Taluk, Trichy District. The second respondent vide his reply, dated 27.06.2022, had stated that there are no records involving the properties of the petitioners in any criminal case. Thereafter, the petitioners did not approach the first respondent for further presentation and for registration of the said document.

6.Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the first respondent and the learned Government Advocate (Crl. side) appearing for the second respondent.

7.Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, it is seen that the first respondent has refused to register the document only on the ground that the said properties are involved in an economic offence and not on any other ground. Now, in view of the letter of the second respondent, dated 27.06.2022, stating that there are no records involving the properties of the petitioners in any criminal case, this Court directs the first respondent to



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withdraw the refusal slip issued by him and if the documents are in order, the first respondent is directed to register the same based on the guideline value maintained by the first respondent, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that in case, in future, on verification of any data found regarding attachment of the properties of the petitioners by any other economic offence wing, the first respondent is at liberty to cancel the said document.

8.This Writ Petition stands disposed of accordingly. No costs.

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Index : Yes/No
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To

1.The Sub-Registrar,
Thuraiyur Sub-Registration Office,
Thuraiyur,
Trichy District.

2.The Inspector of Police,
Economic Offences Wing,
Tiruchirapalli.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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(2/2)