



WEB COPY

W.P.No.38935 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38935 of 2015

and

M.P.Nos.1 & 2 of 2015

S.Thangaraju

... Petitioner

Vs.

The Sub Registrar,
Magudanchavadi,
Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent in his proceedings No.164/2015 dated 13.08.2015 and quash the same consequently direct the respondent to register the sale deed dated 12.08.2015 of the petitioner herein.

For Petitioner

: Mr.R.Kannan

For Respondent

: Mr.S.Ravichandran

Additional Government Pleader



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ORDER

The writ on hand has been instituted to quash the cheque slip issued by the Sub-Registrar, Magudanchavadi returning the sale deed presented by the writ petitioner for registration on the grounds that a criminal case is registered in Crime No.07/2013 under Section 120(B), 406, 420 IPC & 5 of Tamil Nadu Protection of Interests of Depositors (TNPID) Act.

2. The learned counsel for the petitioner states that the petitioner is a *bonafide* purchaser of the property and has paid the valid consideration to the seller, when the sale deed was presented before the Sub Registrar, which was returned on the ground that a criminal case was pending.

3. As far as the property involved under the provisions of the TNPID Act is concerned, this Court cannot entertain a writ petition for the purpose of releasing the property or to issue direction to register the property. The Special Court constituted under the TNPID Act is empowered to deal with the issues and admittedly a criminal case is pending.

4. That being the case, the relief if any to be sought for by the aggrieved persons is to be obtained by approaching the Special Court in the



manner contemplated under the provisions of the TNPID Act. In the event of granting any relief in the present writ proceedings it would cause prejudice to the interest of the depositors and the other parties, who all are now participating in the criminal proceedings in order to resolve the issues. Thus, the petitioner is at liberty to pursue the matter after disposal of the criminal case or before the Special Court dealing with the criminal case.

5. The learned Additional Government Pleader appearing on behalf of the respondent brought to the notice of this Court that the objections not to register sale deed was submitted by the competent authorities of the Economic Offences Wing and therefore, the Registrar has rightly rejected the document through impugned Check slip.

6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

The Sub Registrar,
Magudanchavadi,
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W.P.No.38935 of





WEB COPY

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S.M.SUBRAMANIAM, J.

Jeni

W.P.No.38935 of 2015

27.04.2023