



W.P.No.10783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10783 of 2023 and
W.M.P. No.10733 of 2023

Indian Bank
Sacred Heart Convent Branch
855/306, Ground Floor,
East Pondy Road,
Villupuram – 605 602.

...Petitioner

Vs

- 1.The Sub Registrar Joint-II,
Thiru Vi Ka Street,
Villupuram – 605 602.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Collector Office Road,
Moovendar Nagar,
Villupuram – 605 602.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, by calling for the records of the second respondent and quash the notice bearing Na.Ka.24/Ka.Tu.Ka./Ma.Ku.P.Villu/2022 dated 18.11.2022 and consequently direct the first respondent to register the Certificate of Sale



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dated 30.11.2022, issued in respect of vacant property in Schedule-B or any other documents submitted in future.

For Petitioner : Mr.Jayesh B.Dolia,
Senior Counsel for
M/s.Aiyar and Dolia

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.Jayesh B.Dolia, learned Senior Counsel representing for M/s.Aiyar and Dolia, counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents.

2.The writ petition has been filed, challenging the notice bearing Na.Ka.24/Ka.Tu.Ka./Ma.Ku.P.Villu/2022 dated 18.11.2022, issued by the second respondent and seeking for a direction to the first respondent to register the Sale Certificate dated 30.11.2022, issued in respect of vacant property in Schedule-B.

3.Section 22-B of the Registration Act sets out the circumstances under which the registering authority can refuse registration of the documents.



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4.In the present impugned Notice, the reasons assigned are that the District Crime Branch, Villupuram has requested the registering authority to refrain from registering the properties, which is the subject matter of the Sale Certificate.

5.Such a reason is not the circumstance under which the registering authority can refuse registration under Section 22-B of the Registration Act or Registration Rules. As such, the registering officer, the first respondent herein may not have the authority to refuse such registration based on the request of the District Crime Branch, Villupuram.

6.In the light of the above, the impugned Notice dated 18.11.2022, issued by the second respondent is quashed. Consequently, there shall be a direction to the first respondent to register the Sale Certificate dated 30.11.2022, issued to Mr.Prabhu, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

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7.With the above direction, the writ petition stands allowed.

Consequently, connected W.M.P. stands closed. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

vga

To

1.The Sub Registrar Joint-II,
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2.The Deputy Superintendent of Police,
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