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W.P.No.12932 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12932 of 2021 and
WMP No.13734 of 2021

Kannan

...Petitioner

Vs

The Sub Registrar,
Perambalur,
Perambalur District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in the refusal slip issued by the respondent in Doc.Ref.No.D505 & D506 dated 16.03.2021 on the file of the respondent and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the sale deed in Doc.Ref.No.D505 & D506 dated 16.03.2021 on the file of the respondent.

For Petitioner : Mr.V.Raghavachari
Senior Counsel for
Ms.V.Srimathi
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

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Admittedly, the petitioner herein is a citizen of Srilanka. When he sought for registration of sale deed, the same was refused by the respondent through impugned refusal slips dated 16.03.2021.

2. Regulation 7 of Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India), 2000, prohibits acquisition or transfer of immovable property in India by citizens of certain countries including Srilanka. The relevant portion reads as follows:

“Prohibition on acquisition or transfer of immovable property in India by citizens of certain countries:

7. No person being a citizen of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal or Bhutan without prior permission of the Reserve Bank shall acquire or transfer immovable property in India, other than lease, not exceeding five years.”



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3. In view of the express provision under Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India), 2000, the petitioner may not be entitled to seek for registration of sale deed in the absence of “ No objection Certificate” from Reserve Bank of India.

4. Hence the reasons assigned by the respondent in the refusal slips cannot be found fault with. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

31.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order
sr

To

The Sub Registrar,
Perambalur,
Perambalur District



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M.S.RAMESH,J.

SR

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