



WEB COPY



W.P.No.32495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.P.No.32495 of 2023

V.Murali Krishnan

... Petitioner

Vs.

1.The Sub-Registrar
Vadavalli Sub-Registrar Office
Vadavalli
Coimbatore District

2.G.Suchithra Raghunathan

3.The Inspector of Police
Vadavalli Police Station
Vadavalli
Coimbatore City

4.The Branch Manager
IDBI Bank Limited
Raja Street Branch
Coimbatore District

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order made in Refusal Check Slip No.RFL/Vadavalli/167/2023 dated 01.11.2023



W.P.No.32495 of 2023

passed by the 1st respondent, quash the same and consequently direct the 1st respondent to register the sale deed dated 27.10.2023 presented by the petitioner for compulsory registration in accordance with the provisions of the Indian Registration Act, 1908.

For Petitioner : Ms.R.Sarojini

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader - R1

Mr.S.Sugendran
Additional Public Prosecutor - R3

ORDER

The writ petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order made in Refusal Check Slip No.RFL/Vadavalli/167/2023 dated 01.11.2023 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to register the sale deed dated 27.10.2023 presented by the petitioner for compulsory registration in accordance with the provisions of the Registration Act, 1908.

2. Learned counsel for the petitioner submitted that he has purchased a certain property from the 2nd respondent and entered into a sale deed dated



W.P.No.32495 of 2023

27.10.2023 and the same was presented along with original title deed after making a sale consideration by way of demand draft on 09.10.2023 for registration, but the Registrar refused to register the same by issuing a check slip dated 01.11.2023 on the ground that a criminal complaint is pending as against the 2nd respondent and her husband, before the 3rd respondent. The learned counsel further submitted that the Registrar has no authority to refuse the registration, as it is the matter between the writ petitioner and his vendor. The learned counsel also added that he has already obtained a loan from the 4th respondent / Bank and he has to pay the EMI every month and he has also paid the entire sale consideration out of the loan obtained from the bank.

3.Mr.Yogesh Kannadasan, learned Special Government Pleader has taken notice for the 1st respondent. Mr.S.Sugendran, learned Additional Public Prosecutor has taken notice for the 3rd respondent.

4.Since no adverse order is being passed against the 2nd and 4th respondents, notice to the 2nd and 4th respondent is hereby dispensed with.



W.P.No.32495 of 2023

5.Learned Additional Public Prosecutor appearing for the 3rd respondent submitted that they have received a complaint and prima facie found that a case was also registered on 07.11.2023 in Crime No.325 of 2023 under Sections 406 and 420 I.P.C. He further submitted that the case is under investigation and it is in preliminary stage.

6. Since the petitioner's claim is as against his vendor and a criminal case is also registered in Crime No.325 of 2023 against his vendor, if the Court directs the Registrar to register the document now, the rights of the interested parties would be defeated. Therefore, this Court is of the opinion that the petitioner is not entitled for the relief now sought for by him in this writ petition.

7.The writ petition stands dismissed accordingly. However, the 3rd respondent / Police is hereby directed to complete the investigation and file charge-sheet before the Court concerned within a period of three (3) months from the date of receipt of a copy of this order. No costs.

17.11.2023

kas

Index : yes / no



W.P.No.32495 of 2023

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W.P.No.32495 of 2023

P.VELMURUGAN, J.

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W.P.No.32495 of 2023

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