



WP(MD)No.5025 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.5025 of 2020

R.Lakshmi

...Petitioner

/Vs./

1.The Sub Registrar,
Chettikulam.

2.The District Registrar,
Jeyankondom Road,
Min Nagar,
Ariyalur District.

3.Inspector of Police,
Economic Offences Wings II,
1st Floor Versatile Office Buildings,
Mannarpuram, Trichy District.

...Respondents

(R3 is impleaded vide Court order dated 15.07.2020 in WMP(MD)No.5793 of 2020.)

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to register the petitioner sale execution regarding plot No.177 and 220 in Universal City, Trichy layout expeditiously as possible within stipulated time by this Court.



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For Petitioner : Mr.K.Rajesh Kanna

For Respondents : Mr.K.S.Selvaganesan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the first respondent to register the documents that are presented for registration by the petitioner with respect to the subject property.

2. Heard Mr.K.Rajesh Kanna, learned counsel appearing for the petitioner and Mr.K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents.

3. The main grievance that has been expressed by the learned counsel for the petitioner is that the first respondent, merely based on a letter given by the the Inspector of Police, Economic Offences Wing, is refusing to register the documents presented for registration pertaining to the subject property.

4. It was contended that concerned owners of the property are made to approach this Court to seek for permission to register the documents. It was further contended that the Sub Registrar cannot merely act upon the letter given



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by the Inspector of Police, Economic Offences Wing and stop the registration in the absence of any attachment order passed by the competent authority or a competent Court in accordance with law.

5. In the considered view of this Court, the police cannot issue a letter and stop the registration of a property, since the police are not been vested with such power under the Code of Criminal Procedure. If any property is involved in an offence, an attachment order has to be passed by the appropriate authority and only then, there can be restraint in dealing with the property. The letter given by the police cannot be given the status of an attachment order passed by a competent authority.

6. The learned counsel for the petitioner placed before this Court the proceedings of the District Registrar, Ariyalur, dated 12.08.2020, wherein it is seen that the documents will be entertained and it will be kept pending and clarification will be received from the concerned authority and in the absence of any objection, the documents will be registered.

7. The proceedings of the District Registrar, Ariyalur, dated 12.08.2020, cannot be applied in a case where objection is given by the police by means of a



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letter. Such objection letter cannot act as a restraint for the registration of documents in the absence of attachment order passed by the competent authority. This shall be kept in mind by the Registering authority, while entertaining the documents for registration. This clarity will sufficiently take care of the grievance that has been expressed by the petitioner.

8. In light of the above discussion, there shall be a direction to the concerned Sub Registrar to entertain the documents presented for registration with respect to the subject property, unless any order of attachment has been passed by the competent authority restraining from dealing with the subject property.

9. This writ petition is disposed with the above directions. No costs.

04.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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W.P.(MD)No.5025 of 2020

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