



W.P.(MD) No.21468 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.11.2023**

**CORAM:**

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

W.P.(MD) No.21468 of 2021

S.Muthiya @ Muthiya Thevar

.. Petitioner

Vs.

1.The District Registrar,  
Tirunelveli District, Tirunelveli.

2.The Sub-Registrar,  
Sub Registrar Office,  
Melapalayam,  
Tirunelveli District.

3.The Assistant Commissioner of Police,  
Tirunelveli City, Tirunelveli.

4.The Inspector of Police,  
City Crime Branch,  
Tirunelveli City, Tirunelveli.

5.Krishnammal

.. Respondents

*(\*R5 is impleaded vide order dated 24.11.2023 made in W.M.P(MD).No.315 of 2022 in W.P(MD).No.21468 of 2021\*)*



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip with Refusal No.RFL/Melapalayam/63/2021 dated 23.11.2021 passed by the second respondent and set aside the same and further directing the second respondent to register the sale deed dated 23.11.2021 presented by the petitioner.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.R.Ragavendran  
Government Advocate  
for R1 and R2  
Mr.R.Sivakumar  
Government Advocate (Crl.side)  
for R3 and R4  
No-appearance for R5

### **ORDER**

This Writ Petition has been filed challenging the impugned refusal check slip issued by the second respondent dated 23.11.2021 and for a consequential direction to the second respondent to register the sale deed presented by the petitioner.



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2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned Government Advocate (Criminal side) appearing for the respondents 3 and 4.

3. The grievance of the petitioner is that he is the owner of the property in Survey No.229/1B and he wanted to deal with the said property and accordingly, a sale deed dated 23.11.2021 was executed in favour of one Eswaran. When the same was presented for registration before the second respondent, the second respondent issued the impugned refusal check slip on the ground that a complaint is pending before the Land Grabbing Cell, Tirunelveli. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. In the considered view of this Court, by merely filing a criminal complaint, the parties cannot be prevented from dealing with the property and the Police cannot give any such direction to the Sub-Registrar in this



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regard. When it comes to an immovable property, Section 102 Cr.P.C will not have any application and unless and otherwise, the property is attached in the manner known to law, the Police cannot prevent the registration of any document pertaining to an immovable property by issuing communication to the Sub-Registrar.

5. In the instant case, the complaint is said to have been given against the petitioner by one Krishnammal and it was enquired by the Police and on that ground, the check slip was issued by the second respondent. Such refusal on the part of the second respondent does not have the support of law.

6. When the matter was taken up for hearing today, the learned Government Advocate (Criminal side) appearing on behalf of the respondents 3 and 4 submitted that the enquiry was conducted in a current paper and it was also closed on 25.11.2021.



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7. In the light of the above discussion and taking into consideration the facts of the case and subsequent developments, the impugned check slip issued by the second respondent is hereby quashed. There shall be a direction to the second respondent to entertain the sale deed presented for registration and the same shall be registered, subject to the petitioner fulfilling all the other requirements and thereafter, the document shall be released.

8. In the result, this Writ Petition is allowed with the above directions. There shall be no order as to costs.

**24.11.2023**  
(1/2)

NCC : Yes/No  
Index : Yes/No  
Internet : Yes

ssb



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**N. ANAND VENKATESH, J.**

ssb

To

- 1.The District Registrar,  
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Sub Registrar Office,  
Melapalayam,  
Tirunelveli District.
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