



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2218 of 2024
and W.M.P.Nos.2404 & 2405 of 2024

Sathish Kumar

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Cuddalore District,
Meenakshi Nagar, Pudukuppam,
Cuddalore, Tamil Nadu 607 001.

2.Sub Registrar No.II,
Sub Registrar Office,
Cuddalore,
Cuddalore District.

3.District Registrar,
Sub Registrar Office,
Cuddalore,
Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, calling for the records relating to Letter No.644/ 2023/ DCB/ CUD dated 24.11.2023 issued by the 1st respondent to the 2nd Respondent, and quash the same.



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For Respondents

Senior Counsel for
M/s.Adith Narayan Vijayaraghavan

: Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned letter dated 24.11.2023 issued by the 1st respondent to the 2nd respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The 1st respondent through impugned communication dated 24.11.2023 has directed the 2nd respondent not to entertain any documents pertaining to the subject property and to also give the information to the police regarding the persons who approach the Registration Office to deal with the property.

4.When the matter was taken up for hearing today, the learned Additional Public Prosecutor informed this Court that already an FIR has been registered by the District Crime Branch, Cuddalore, in Crime No.4 of 2024 on 01.02.2024 and the petitioner has been shown as an accused. Investigation is also pending in this case.

5.In the considered view of this Court, the 1st respondent does not have any



power or jurisdiction to virtually attach an immovable property. The communication that was made by the 1st respondent to the 2nd respondent amounts to preventing the petitioner from dealing with the property. Such a power is not available to the 1st respondent anywhere under the provisions of Code of Criminal Procedure. It is now too well settled that in exercise of power under Section 102 of Cr.P.C., the immovable property cannot be attached by the police. The impugned communication results in such attachment of an immovable property which is unsustainable.

6.In the light of the above discussion, the impugned communication dated 24.11.2023 is held to be illegal and the same is hereby set aside. It is left open to the 1st respondent to proceed further with the investigation in Crime No.4 of 2024 and take necessary action in accordance with law.

7.In the result, this writ petition stands allowed in the above terms. Consequently, connected miscellaneous petitions are closed. No Costs.

06.02.2024

Index : Yes/No
Internet : Yes/No
ssr

N. ANAND VENKATESH, J.



To

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- 2.Sub Registrar No.II,
Sub Registrar Office,
Cuddalore,
Cuddalore District.
- 3.District Registrar,
Sub Registrar Office,
Cuddalore,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.

W.P.No.2218 of 2024
and W.M.P.Nos.2404 & 2405 of 2024

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