



WP.No.16842 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

W.P.No.16842 of 2021

R.Kumar

.. Petitioner

Versus

The Joint Sub – Registrar No.2,  
Office of the Registrar,  
No.05, Kesava Nagar,  
Thirupapuliyar,  
Cuddalore – 607 002.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records and quash the order passed by the respondent dated 26.04.2021 numbered as Refusal No.RFL/2 and consequentially direct the respondent to register the sale deed dated 23.04.2021.

For Petitioner : Mr.S.R.Raghunathan  
For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader.

**ORDER**

Challenge has been made to the refusal check-slip issued by the respondent in registering the sale deed dated 23.04.2021, presented by the petitioner.



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2. It is the case of the petitioner that when the sale deed was presented by the petitioner for registration, the same was refused to be registered on the ground that the police officials instructed not to register the document stating that a criminal case is pending in crime No.103 of 2018 against the principal/ title holder. Hence the writ petition.

3. The learned Special Government Pleader appearing on behalf of the respondents submitted that since the police officials has issued a notice stating not to register the document and a FIR was also registered, the document has not been registered. He further stated that counter has also been filed in this case.

4. Heard both sides and perused the materials placed on record.

5. In this regard, this Court, considering the judgment in the case of *R.Madhupriya v Inspector General of Registration*, reported in 2020 SCC Online Mad 20112, in *W.P.No.11056 of 2024, dated 26.04.2024*, in the case of *Subramani Vs. 1.The Sub-Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration*, held as follows:

31. ....



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*d. As far as the refusal based on the letters from the police is concerned, this Court in the case of R. Madhupriya v Inspector General of Registration reported in 2020 SCC Online Mad 20112 has held that the practice of police officers issuing letters to the Sub-Registrar's asking them to refrain from registering documents has been consistently deprecated. In such cases, it is for the aggrieved party to obtain appropriate orders from the civil court instead of using the police machinery to prevent the Registrar from performing his statutory functions. Such view of the matter, merely on the basis of some communication from the police officials, the Registrar has no power to refuse the registration.*

6. In such view of the matter, the refusal check-slip issued by the respondent in registering the sale deed dated 23.04.2021, cannot be sustained in the eye of law.



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7. Accordingly, the refusal check-slip issued by the respondent in registering the sale deed dated 23.04.2021 is set aside. The respondent is directed to register the document within a period of ten days from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition, if any, is closed.

sli

**05.06.2024**

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The District Registrar,  
Office of the District Registrar,  
Coimbatore.

2. The Sub Registrar,  
Peelamedu.

3. The Air Force Naval Housing Board,  
Air Force Station,  
Race Course, New Delhi.



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**N. SATHISH KUMAR, J.**

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