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W.P.No.22409 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.22409 of 2024

G.Ravi

.. Petitioner

Versus

The Sub Registrar,
Office of the Sub Registrar of Anna Nagar,
Anna Nagar, Chennai-600 037.

.. Respondent

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 relating to the 'Refusal Check Slip' dated 12.06.2024 bearing Refusal No.RFL/Anna Nagar/70/2024 issued by the respondent in refusing registration of the Mortgage Deed dated 12.06.2024 executed by the petitioner in favour of Kanagavel and quash the same and consequently direct the respondent to accept and entertain the mortgage deed for registration.

For Petitioner : Mr.Adarsh Subramanian

For Respondent : Mr.Stalin Abhimanyu,
Additional Government Pleader



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Challenge has been made to the refusal check slip issued by the respondent refusing to register the mortgage deed dated 12.06.2024 bearing Refusal No.RFL/Anna Nagar/70/2024 executed by the petitioner in favour of one Kanagavel and consequently, direct the respondent to accept and entertain the mortgage deed for registration.

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

3. By consent of both parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

4.It is the case of the writ petitioner that the petitioner became the absolute owner of the property situated in survey No.141/3A, T.S.No.19 Block No.32, Patta No.299 measuring about 2385sq.ft., situated at old No.54, New No.67, Poonamallee High Road, Chennai by virtue of Release Deed dated 2807.2021 registered as document No.2409 of 2022 on 13.05.2022 in SRO, Anna Nagar, Chennai. During May, 2024, one Panneerselvam, who was running theatre claiming to be the adjacent land owner, had tried to encroach into the property of the petitioner illegally. Therefore, the petitioner had lodged a criminal complaint before the Commissioner of Police, Chennai and the same was forwarded to the Central



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Crime Branch, Vepery, and pending investigation in C.No.637/COP/V/CCB/2024. Thereafter, when the petitioner had entered into a mortgage in favour of one Kanagavel for a total sum of Rs.13,00,000/- vide Mortgage Deed dated 12.06.2024 and presented the document for registration, the respondent has refused to register the same on the ground that investigation was pending with regard to the subject matter of property before the Inspector of Police, Central Crime Branch, Chennai, in C.No.637/COP/V/CCB/2024 and once again after obtaining the genuineness certificate from the Tahsildar, Aminjikarai, the registration will be considered. Challenging the same, the present writ petition has been filed.

5.It is the contention of the learned counsel for the petitioner that the complaint in C.No.637/COP/V/CCB/2024 itself has been given by the petitioner, in which, some details have been called for verifying genuineness of the original patta produced at the time of registering the document viz., release deed. It is also found that the patta was original. But merely on the basis of reference in the complaint, the impugned order has been passed. Considering the fact that the very criminal complaint itself was lodged by the petitioner, mere pendency of the criminal complaint will not be a bar for registering the document by the respondent and further, the refusal made by



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the respondent on the ground that a reference has been made in the complaint is unsustainable.

6.In *Subramani Vs. 1.The Sub- Registrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai*, this Court, by an order dated 26.04.2024 in W.P.No.11056 of 2024 in paragraph 31(d), has held as follows:

“(31)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.”

9.Considering the above, the impugned refusal check slip issued by the respondent dated 12.06.2024 refusing to register the Mortgage Deed



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dated 12.06.2024 is quashed and the respondent is directed to register the Mortgage Deed dated 12.06.2024 within a period of two weeks from the date of receipt of a copy of this order.

10. Accordingly, the writ petition stands allowed. No costs.

02.08.2024

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To
The Sub Registrar,
Office of the Sub Registrar of Anna Nagar,
Anna Nagar, Chennai-600 037.

N. SATHISH KUMAR, J.



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