



WEB COPY



W.P.No. 32262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32262 of 2024

Vadivel

...Petitioner

Vs.

- 1 The Inspector General Of Registration,
No.100 Santhome High Road,
Pattinapakkam, Chennai-600 028.
- 2 The District Registrar
District Registrar Office, Erode District.
- 3 The Sub-registrar
Perundurai Sub-registration Office,
Erode District.
- 4 The Deputy Superintendent Of Police
Economic Offence Wing-II,
Annam Thirumana Mandapam
Jagir Ammapalayam, Salem District.
- 5 The Deputy Superintendent Of Police
District Crime Branch
Anti-land Grabbing Special Cell,
Erode District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the constitution of



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India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip made in RFL / Perundurai / 109 / 2024, dated 21.10.2024 passed by the 3rd respondent quash the same and consequently direct the 3rd respondent to register sale deed covered under Doc No-2793 of 2017.

For Petitioner : Mr.R.Thamarai Selvan

For Respondents : Mr.C.Sathish
1 to 3 Government Advocate

For Respondents
4 and 5 : Mr.R.Vinoth Raja,
Government Advocate(Crl.Side)

ORDER

The sale deed presented by the petitioner has been refused by his proceedings by the 3rd respondent in RFL/Perundurai/109/2024 dated 21.10.2024. Challenging the same, the petitioner is before this Court.

2.The 3rd respondent had made an endorsement in the refusal check slip that the properties in question are involved in a case pending with the Economic Offences Wing(EOW) II in Crime No.15 of 2017 based on a communication dated 14.11.2017 from the 5th respondent, as



the reason for refusal. Aggrieved by the same, the petitioner is before this Court.

3. It is brought to the notice of this Court that with reference to the very same Survey Nos. 176 and 177, in an earlier W.P. No. 30874 of 2018, a Single Judge of this Court, by order dated 28.04.2022, had quashed the request made by the Deputy Superintendent of Police, Economic Wing, not to allow registration in respect of the subject survey numbers, as well as others, in view of the petitioners therein being accused in Crime No. 15 of 2017. The learned Judge had held that, since there was no order of attachment, the 2nd respondent therein had no powers to request the 1st respondent therein, namely, the Sub-Registrar to not register the documents. Even after two years since the date of the order, no attachment orders have been obtained by respondents 4 and 5, and without obtaining such orders, encumbrances have been made in the encumbrance certificate. An endorsement has been made by the 3rd respondent refusing to register the Sale Deed. Therefore, since the refusal is not backed by any orders of this Court



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prohibiting the sale and as the reasons do not fall within the categories set out in Section 22A of the Registration Act, the impugned order cannot be countenanced.

4. Accordingly, the Writ Petition is allowed. and the impugned order dated 21.10.2024 is set aside. The respondents are directed to register the sale deed within a period of two weeks from the date of representation of the document. No costs.

03.12.2024

Index : Yes/No
Internet : Yes/No
srn

To,

- 1 The Inspector General Of Registration,
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- 2 The District Registrar
District Registrar Office, Erode District.
- 3 The Sub-registrar
Perundurai Sub-registration Office,



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Erode District.

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P.T. ASHA, J,

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