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W.P.No.37610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.37610 of 2024

Ramalingam

... Petitioner

Vs.

1. The District Registrar,
Coimbatore Zone,
No.102, State Bank Road,
District Collector Office Campus,
Coimbatore – 641 018.

2. The Sub-Registrar,
No.117, Railway Feeder Road,
Periyanaickenpalayam,
Coimbatore – 641 301.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st Respondent to pass orders on the representation of the Petitioner dated 03.08.2024 and the subsequent clarification letter sought by the 2nd Respondent in Na.Ka.No.595/2024 dated 09.10.2024 based on Circular No.22482/C1/2022 dated 12.07.2024 issued by the Inspector General of Registration.



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For Petitioner : Mr.J.Jayamalan

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

Mrs.C.Meera Arumugam, learned Additional Government Pleader takes notice on behalf of the Respondents.

1. A brief facts of the case is that the Petitioner who is the Managing Partner of M/s.Maaran Properties was engaged in the business of promoting lands, laying layouts, constructing buildings and the sale of housing buildings. During the course of his business, the said M/s.Maaran Properties had purchased properties from M/s.P.A.Kumar Properties and M/s.PAK Associates for a valid consideration totalling to a tune of Rs.8,42,64,400/- in respect of a total extent of 3.06 acres at Sarkarsamakulam Village, Periyamayakapalayam and Coimbatore. The entire extent was purchased under four Sale Deeds which are all registered in the Sub-Registrar Office at Periyamayakapalayam and



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Coimbatore District. Office at Periya and Coimbatore District.

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M/s.P.A.Kumar Properties as well as M/s.PAK Associates are all engaged in the real estate business and they had obtained properties from one G.C.Sivaraj. When the steps were taken to sell the property in favour of the Petitioner by the partnership firm it came to his knowledge that certain entries had been made on the basis of a letter received from the Deputy Commissioner of Police, Coimbatore City Crime Branch - II. It is only when the same was perused, the Petitioner came to know that at the instance of G.C.Sivaraj, the Police had registered a crime in CCB.Cr.No.58 of 2023 on 27.11.2023 against one Ashwin Kumar and 12 others. M/s.P.A.Kumar Properties and M/s.PAK Associates were both represented by Ashwin Kumar, however, there is no allegation either against M/s.Maaran properties or against its partners. The Petitioner would submit that there was a dispute between Ashwin Kumar and the Petitioner's predecessors in title. G.S.Sivaraj, the Deputy Commissioner of Police, Coimbatore City Crime Branch – II therefore, sent a letter dated 22.04.2024 to the 2nd Respondent based upon which the 2nd Respondent had made a corresponding entry in the encumbrance certificate against the Sale



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Deed through which M/s.Maaran Properties had purchased the property though there was no complaint against M/s.Maaran Properties. Aggrieved by this entry the Petitioner had made a representation to the 1st Respondent on 03.08.2024 to remove the remarks. The 1st Respondent had forwarded this Letter to the 2nd Respondent for further action vide his Office Letter dated 07.08.2024. The 2nd Respondent in turn sought a clarification from the 1st Respondent as to whether the details of the Police Departments order to not register the document can be removed in the light of Paragraph 'C' of Circular No.22482/C1/2022 dated 12.07.2024. The Circular dated 12.07.2024, gave instructions to the registering office not to refuse the registration merely based on a letter issued by police officials. The said M/s.Maaran Properties had presented a Sale Agreement dated 07.06.2024 for registration which was refused to be registered by the 2nd Respondent vide a Refusal Slip dated 07.06.2024. This refusal order was passed prior to the Circular dated 12.07.2024. Therefore, the Petitioner has come forward with this Writ Petition seeking disposal of the representation dated 03.08.2024 on the basis of the subsequent clarification sought for by the 2nd Respondent



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on 09.10.2024 based on the Circular dated 12.07.2024.

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3. Heard the counsels on either side.

4. The 2nd Respondent had issued Refusal Check Slip on the basis of a letter issued by the police officials. The police officials have issued this letter on the basis of a complaint made by one G.C.Sivaraj against one Ashwin Kumar who had executed the property in favour of M/s.Maaran Properties for and on behalf of M/s.P.A.Kumar Properties as its partner. The complaint related to the sale executed in favour of M/s.P.A.Kumar Properties and M/s.PAK Associates. The complainant had not initiated any legal proceedings except for filing the complaint and on the basis of this complaint the police officials have stopped all transactions in respect of the property purchased by M/s.Maaran properties. It is also seen that in the Circular dated 12.07.2024, the Inspector General of Registration had issued instructions with reference to registering officers refusing to register document on various grounds one such reason on which registration was being refused was on account of letters being received from Police Officials.



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5. The Inspector General of Registration referring to the Judgement of this Court in the case of **R.Madhupriya and another vs. The Inspector General of Registration, Chennai and others** rendered in W.No.12289 of 2020 had instructed the registration officer that registration should not be refused merely on the basis of a letter issued by the Police Officials. Therefore, in the light of such detailed circular, the refusal on the part of the 2nd Respondent is without any basis.

6. Therefore, the Writ Petition is allowed by directing the 1st Respondent to consider the representation of the Petitioner dated 03.08.2024 and pass orders there on on the basis of the circular dated 12.07.2024 bearing No.22482/C1/2022 within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



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