



W.P(MD)No.205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.205 of 2024
and
W.M.P(MD)No.227 of 2024

Panner Selvan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
Nagercoil,
Kanyakumari District.

3.The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.

4.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

... Respondents



W.P(MD)No.205 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned letter of the fourth respondent in Communication No. 98-1/DSP/DCB/2022 dated 01.04.2023 and the consequential Impugned Refusal Check Slip in RFL/Kottaram/167/2023 dated 23.09.2023 issued by the third respondent and quash the same as illegal and consequently direct the third respondent herein to register and release the Sale Deed vide Temporary No.TP/159559318/2023.

(Prayer amended vide order of this Court dated 28.02.2024 in W.M.P(MD)No.4438 of 2024)

For Petitioner : Mr.M.E.Elango
For Mr.M.Siva Sankar

For Respondents : Mr.C.Satheesh
Government Advocate
for R.1 to R.3

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4

ORDER

Heard both sides.

2.The petitioner presented the petition mentioned sale deed for registration. The registering authority declined to entertain the



W.P(MD)No.205 of 2024

document. Citing the subsisting attachment, the impugned refusal check slip was issued. Challenging the same, the present writ petition came to be filed.

3.The stand of the registering authority is that the property in question was attached in O.S.No.33 of 1991 on the file of Principal District Munsif Court, Nagercoil.

4.This ground may not be sustainable. The attachment is said to have been made on 19.06.1991. One Ramaraj was shown as defendant in the suit. The said Ramaraj and his wife Padmavathi sold the petition mentioned property in favour of Jeyanthi vide sale deed dated 10.10.1994. The said Jeyanthi sold the property in favour of the petitioner vide sale deed dated 29.09.2022 (Document No.4799 of 2022 on the file of SRO, Kottaram). This property is sought to be attached.

5.If the attachment had been holding good, registration in respect of the very same property could not have taken place on two occasions during the intervening period. The petitioner wants to sell the property purchased by him through a registered document. I can understand if the



W.P(MD)No.205 of 2024

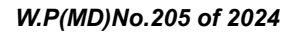
attachment was made subsequent to the purchase of the property by the petitioner. The attachment is said to have been made as early as on 1991.

Therefore, the first ground of objection does not survive. It is seen that the petitioners' vendor's husband was an accused in TNPID case. Admittedly, till date the property has not been attached under the provision's of the TNPID Act. Therefore, there cannot be any impediment for entertaining the document and register it. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to represent the document. The same will be received, registered and released subject to the fulfilment of the usual formalities.

6.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar,
Office of the District Registrar,
Nagercoil,
Kanyakumari District.
3. The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.
4. The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P(MD)No.205 of 2024

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.205 of 2024
and
W.M.P(MD)No.227 of 2024

01.03.2024