



WP(MD). No.11166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.11166 of 2023

Kalyana Sundaram

... Petitioner

Vs

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road, Pattinapakkam,
Chennai 600028.

2. The Sub Registrar,
Kommadikottai, Sathankulam Taluk,
Thoothukudi District.

3. The Inspector of Police,
Central Crime Branch, Edf III, Team 21,
Vepperi, Chennai 600 007.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to accept the sale deed produced by the petitioner for its registration without the interference of the 3rd respondent, based on



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his communication dated 25.04.2022 within the period stipulated by this Court.

For Petitioner : M/s. Ananth C.Rajesh,

For Respondent : Mr.M.Siddharthan
Addl. Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the respondents 1 and 2 to accept the sale deed produced by the petitioner for its registration without the interference of the 3rd respondent, based on his communication dated 25.04.2022 within the period stipulated by this Court.

2. It is the case of the petitioner that the subject property has been purchased by him under valid consideration in the year 2021. While so, in order to sell the same, the petitioner presented the documents for registration. However, the same has not been accepted by the 2nd respondent stating that a case in Crime No.88/2022 is pending on the file of the 3rd respondent police and on a letter given by the 3rd respondent, the documents were not accepted and hence, the petitioner is before this Court.

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3. I have considered the rival submissions and perused the materials available on record.

4. Merely on the basis of the letter from the police authorities, a document cannot be refused to be registered. Unless there is an attachment by the competent Court or the Government agency, the document cannot be refused to be registered. The said issue is no longer res integra in view of the decision of this Court in ***Subramani v. the Sub Registrar and another [(2024) 3 MLJ 588]***, wherein, in Paragraph No. 31(d), following the decision of the Apex Court in ***R.Madhupriya v. Inspector General of Registration [2020 SCC Online Mad 20112]***, it has been 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. Here, in the case on hand, merely on the basis of some communication from the police officials, the document has not been accepted for registration. The Registrar has no power to refuse the registration or keep the document pending at their end.



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5. In view of the above, the respondents 1 and 2 are directed to accept the documents and register the same, if there is no other impediment. No costs.

12.09.2024

NCC : Yes/No
Index : Yes/No

RR

TO

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