



W.P(MD)No.15838 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.15838 of 2024

Hawa Bibi,
Represented by their power of Attorney,
Vivekanandan.

... Petitioner

Vs

1.The State,
Represented by the Inspector of Police,
Economic Offence Wing,
Tanjore.

2.The Deputy Superintendent of Police,
Economic Offence Wing, Tanjore.

3.The Sub Registrar Joint-IV,
Madurai South, Madurai.

4.The Deputy Inspector General,
Department of Registration,
Coimbatore.

5.The Sub Registrar Joint-I,
Ooty District,
Ooty.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent relating to refusal check slip dated 02.05.2024 and quash the same, consequently direct the third respondent to register the general power of attorney on presentation bearing Document No.P202 of 2023.



WEB COPY



W.P(MD)No.15838 of 2024

For Petitioner : Mr.A.Murthuzaali
For RR 1 & 2 : Mrs.M.Aasha
Government Advocate (Crl. Side)
For RR 3 to 5 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip dated 02.05.2024 issued by the third respondent refusing to register the general power of attorney vide document No.P202 of 2023, dated 05.09.2023 in respect of properties purchased under the various sale deeds of the years 2019 and 2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner and her husband had purchased several properties under the registered sale deed vide Document Nos.8416 & 8417 of 2023, 1669, 1670, 1671, 1672 and 1673 of 2019 and they intended to develop the said properties, executed power of



W.P(MD)No.15838 of 2024

attorney in favour of one C.Raman and presented for registration on 05.09.2023. The said power of attorney was refused to register on the ground that the properties under the sale deeds were under attachment in the Arbitral proceedings. Therefore, on the objections raised by the second respondent, the third respondent refused to register the power of attorney.

4.The learned counsel appearing for the petitioner would submit that the petitioner's husband is an accused in the criminal case registered in Crime No.02 of 2023 and the petitioner is no way connected with the crime. That apart, the crime was registered only in the year 2023, but the properties were purchased by the petitioner in the year 2019. Mere objections raised by the respondents 1 and 2, the third respondent ought not to have refused to register the power of attorney. Further, this Court repeatedly replicated the practice of police officers issuing letters to the registering authority to refrain from registering the document. In such cases, the aggrieved party can very well approach the civil Court for appropriate relief instead of using the police machinery to prevent the registering authority from performing its statutory functions.



W.P(MD)No.15838 of 2024

WEB COPY

5. On written instructions, the learned Special Government Pleader appearing for the respondents 3 to 5 would submit that the subject properties involved in the power of attorney are situated within the jurisdiction of two registering authorities namely Madurai and Ooty. The power of attorney deed was presented for registration before the third respondent. On receiving the same, the third respondent called for reports from the fifth respondent. Even before the presentation of the said document, the first respondent requested the fifth respondent not to register any instrument with regard to the properties which were purchased by the petitioner by its communication dated 12.12.2023. The subject properties were identified for attachment in view of the F.I.R registered in Crime No.02 of 2023 for the offences punishable under Sections 406 and 420 of I.P.C r/w 5 of the TNPID Act. That apart, though the F.I.R was registered as against the petitioner's husband and others for the offences punishable under Sections 406 and 420 of I.P.C r/w 5 of TNPID Act, in the alternative report, dated 05.11.2024, the petitioner is also arraigned as an accused in Crime No.02 of 2023 for the offences under Sections 406, 420, 120(B) of I.P.C r/w 5 of TNPID Act, 1997.



W.P(MD)No.15838 of 2024

WEB COPY

6.The crux of the final report revealed that the entire properties were purchased by the petitioner and her husband from the crime proceedings. The first respondent so far had received 314 complaints and the accused persons had cheated more than Rs.11 crores. In view of the above, this Court finds no infirmity or illegality in the refusal check slip issued by the third respondent dated 02.05.2024 and the Writ Petition lacks merit and the same is liable to be dismissed.

7.Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.15838 of 2024

WEB COPY

To

- 1.The Inspector of Police,
Economic Offence Wing,
Tanjore.
- 2.The Deputy Superintendent of Police,
Economic Offence Wing, Tanjore.
- 3.The Sub Registrar Joint-IV,
Madurai South, Madurai.
- 4.The Deputy Inspector General,
Department of Registration,
Coimbatore.
- 5.The Sub Registrar Joint-I,
Ooty District,
Ooty.



WEB COPY



W.P(MD)No.15838 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.15838 of 2024

19.11.2024