



WP(MD). No.22179 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

**WP(MD). No.22179 of 2022 and
WMP(MD) Nos.16353 and 16355 of 2022**

Aruna

... Petitioner

Vs

1. The District Registrar,
District Registrar Office,
Palayamkottai,
Tirunelveli District..

2. The Sub Registrar,
Sub Registrar Office, Thisaiyanvilai,
Tirunelveli District..

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for
the records pertaining to the impugned communication in Na.Ka. No.



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14/2020 dated 13.09.2022 and set aside the same illegal and consequently direct the 2nd respondent to register the pending document No.P3/2019, dated 12.04.2019 forthwith.

For Petitioner : Mr.K.Sivabalan

For Respondents : ,Mr.R.Baskaran

Additional Advocate General

assisted by Mr.C.Satheesh

Government Advocate

ORDER

Challenging the impugned summons issued by the 2nd respondent dated 13.09.2022 and to direct the 2nd respondent to register the pending document No.P3/2019, dated 12.04.2019 forthwith, the petitioner is before this Court.



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2. The petitioner presented a sale deed dated 12.04.2019 and after registration, it has been kept in No.P3/2019 dated 12.04.2019 citing that objection letter has been given by the Deputy Superintendent of Police indicating that case has been filed against Sun Star Agro Farms India Limited. Therefore, no objection certificate is sought by the authorities.

3. In the earlier occasion, when the matter was listed before this Court, this Court directed the learned Additional Advocate General to get instructions as to whether any attachment order is passed by the concerned Court in respect of the subject property.

4. When the matter was taken up for hearing today, the learned Additional Advocate General would submit that no such order has been passed in respect of the subject property so far.

5. In such view of the matter, this Court is of the view that merely on the basis of the letter from the Deputy Superintendent of Police, the document cannot be kept pending. Only when there is a specific order



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from the Court for attachment or anything, the authority may do so.

However, citing mere letter issued by the police officials, the document cannot be refused to be registered or kept pending. 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 is kept pending. Therefore, the Registrar has no power to refuse the registration or keep the document pending at their end.

6. In view of the above, the impugned order is quashed and the writ petition is allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

11.09.2024

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TO

1. The Inspector General of Registration Department,
No. 100 Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2. The Deputy Inspector General,
Of Registration Department,
Tnau Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai 627 107.

3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District..

4. The District Registrar (Administration),
Sivagangai,
Sivagangai District..

5. The Tahsildar,
Taluk Office,
Manamadurai,
Sivagangai District..

6. The Sub Registrar,
Sub Registrar Office,
Thiruppuvanam,
Sivagangai District..



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N.SATHISH KUMAR,J

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**ORDER
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