



W.P(MD)No.17903 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17903 of 2018

S.Chellakutty

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome, Chennai – 28.

2.The District Registrar,
Palayamkottai,
Tirunelveli Registration District.

3.The Sub Registrar,
Sathankulam,
Thoothukudi District.

4.The Inspector of Police,
Central Crime Branch,
Team – 1, EDF – 1 Wing,
Vepery,
Chennai – 600 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned check slip dated 02.08.2018 on the file of the third respondent in so far as the refusal of the registration of the document executed by the petitioner and quash the same and further directing the third respondent to register the sale deed dated 02.08.2018 executed by the petitioner in respect of the property situated in S.Nos.212/1 and 213/1, Thachamozhi Village, Sathankulam, Thoothukudi District.



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For Petitioner : Mr.S.Selva Aditya
for Mr.G.Prabhu Rajadurai

For RR 1 to 3 : Mr.D.Sadiq Raja
Additional Government Pleader

For R – 4 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the third respondent dated 02.08.2018 thereby refusing to register the sale deed which was presented for registration in respect of the property comprised in Survey Nos.212/1 and 213/1, Thachamozhi Village, Sathankulam, Thoothukudi District.

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

3.The property comprised in Survey Nos.212/1 and 213/1 to an extent of 12 cents situated at Thachamozhi Village, Sathankulam, Thoothukudi District along with other properties originally belonged to one Pookanraj and his family. In the year



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2008, he settled the entire property in favour of his children by the registered settlement deed vide Document No.731 of 2008. In respect of the property comprised in Survey Nos.212 and 213 were settled in favour of one of his sons Manoharan. In turn, he along with all family members sold the entire property in favour of one John and others by the registered sale deed vide Document No.514 of 2013. The said John and others sold the property admeasuring 1.32 acre out of 12 acres comprised in Survey Nos.212 and 213 in favour of one Senthamil Selvi by the registered sale deed vide Document No.501 of 2012. In turn, she sold out the subject property in favour of one Jeyakumar by the registered sale deed vide Document No.2118 of 2012. Once again, the said Jeyakumar sold the property in favour of one Ganesan Ramalingam by the registered sale deed vide Document No.1300 of 2016. The said Ganesan Ramalingam sub-divided the subject property as Survey Nos.212/1 and 213/1 and he was also issued patta. From the said Ganesan Ramalingam, the petitioner had purchased the subject property by the sale deed dated 02.08.2018 and presented for registration. However, the third respondent refused to register the sale deed on the ground that the fourth respondent sent a communication not to register any document in respect of the property owned by Manoharan and Udhy Felix since they were



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arrayed as accused in Crime No.9 of 2015 registered for the offences under Sections 406 and 420 of I.P.C r/w 34 and 506(i) of I.P.C.

4. Admittedly, the petitioner is the fourth person to purchase the subject property. The said Manoharan was settled with the subject property by his father by the registered Document No. 731 of 2018. Thereafter, there were four transactions in respect of the very same property. After a period of 10 years, the petitioner purchased the subject property by the sale deed, dated 02.08.2018. That apart, after registration of F.I.R, there is no action as against the subject property. This Court repeatedly held that by mere request of the police officials, the registering authority cannot hold the document pending and cannot refuse to register the document unless any order of attachment is passed as against the subject property. Admittedly, the subject property is not under any attachment. Simply because the original owner of the property was involved in the crime, the registration cannot be refused by the third respondent. In view of the above, the impugned order of refusal check slip issued by the third respondent, dated 02.08.2018 cannot be sustained and the same is liable to be quashed.



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5. Accordingly, the impugned order of refusal check slip issued by the third respondent, dated 02.08.2018 is quashed and the Writ Petition is allowed. The petitioner is directed to represent the sale deed for registration before the third respondent and on receipt of the same, the third respondent is directed to register and release the same forthwith. There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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