



W.P.(MD)No.25404 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25404 of 2018

A.Rabeekraja

... Petitioner

Vs.

1.The Registrar,
O/o Registrar Office,
Muthupattinam,
Karaikudi,
Sivagangai District.

2.Maragatham

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to register the document presented by the petitioner in respect of the property in S.No.290/4 situated at Tiruppattur, Sivagangai District, based on the power deed executed by the 2nd respondent dated 19.10.2015.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1
No Appearance for R2



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to register the document presented by the petitioner in respect of the property in S.No.290/4 situated at Tiruppattur, Sivagangai District, based on the power deed executed by the 2nd respondent dated 19.10.2015.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and perused the materials available on record.

3. It is the case of the Writ Petitioner that when he presented the sale deed in respect of property in S.No.290/4, the same was refused to be registered on the ground that the Deputy Superintendent of Police, Sivagangai has given a letter dated 12.11.2015, to the effect that no registration could be done in respect of the said property. Hence, the petitioner has filed this Writ Petition.

4. The learned Government Advocate appearing for the first respondent, on instructions, would submit that as far as the S.No.290/4 is concerned one



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Pandidurai has executed a sale deed in favour of Maragatham in the year 2013 and the same has been registered in Document No.1490/2013. Thereafter, the said Maragatham has executed a power of attorney in favour of the petitioner and the same was register as Document No.2949/2015. According to them, those original documents were seized by the police in the FIR filed against the husband of the second respondent. Therefore, the Deputy Superintendent of Police, Sivagangai has written a letter to the first respondent stating that no registration could be done in respect of the said property. Hence, the first respondent refused to register the sale deed presented by the petitioner.

5. At the outset, this Court is of the view that merely on the basis of the letter addressed by the police official, the Registering Authority cannot refuse to register the document. In this regard, this Court in the case of ***R. Madhupriya v Inspector General of Registration*** reported in ***2020 SCC Online Mad 20112*** has 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. In such cases, it is for the aggrieved party to obtain appropriate orders from the civil court instead of using the police machinery to prevent the Registrar from performing his statutory functions. Such view of the matter, merely on the basis of



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some communication from the police officials, the Registrar has no power to refuse the registration.

6. In view of the above settled position of law, mere pendency of the criminal case in respect of the subject property is no way connected to register a document. When the said document is presented, the same cannot be refused for registration, if the document is otherwise in order. Accordingly, the respondent is directed to register the document presented by the petitioner in respect of the S.No.290/4, based on the power deed executed by the 2nd respondent dated 19.10.2015, as per law.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes/No
vsm



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To

The Registrar,
O/o Registrar Office,
Muthupattinam,
Karaikudi,
Sivagangai District.



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N.SATHISH KUMAR, J.

vsm

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