



W.P(MD)No.24411 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.24411 of 2024

M.Maharaja Sivasubramaniam

... Petitioner

Vs.

1.The Sub Registrar,
Ambasamudram, Tirunelveli.

2.The Inspector of Police,
District Crime Branch,
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, to call for the records relating to the impugned refusal Check Slip in the RFL/Ambasamudram/56/2024, dated 04.10.2024 and quash the same and consequently, to direct the 1st respondent to register the settlement deed dated 04.10.2024 executed by the petitioner in favour of his wife within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For R1 : Mr.C.Satheesh,
Government Advocate

For R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)



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ORDER

Challenge has been made to the refusal check slip issued by the 1st respondent dated 04.10.2024.

2.It is the grievance of the petitioner that when he presented the sale deed dated 04.10.2024, which is executed by the petitioner in favour of his wife, it was refused by the 1st respondent, vide refusal check slip dated 04.10.2024 based on the objection letter given by the police authorities. Challenging the same, the petitioner has filed this Writ Petition.

3.The issue raised in this Writ Petition is no longer *res-integra*, in view of the judgment rendered by this Court in the case of ***Subramani vs. the Sub Registrar and others*** [WP.No.11056 of 2024, dated 26.04.2024], in which it has been held as follows:

“d. As far as the refusal based on the letters from the police is concerned, 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 some communication from the police officials, the Registrar has no power to refuse the registration. ”



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4. In such view of the matter, the refusal made by the 1st respondent cannot be sustained in the eye of law. Therefore, the same is liable to be quashed, accordingly, it is quashed. This Writ Petition is allowed with a direction to the 1st respondent to register the document presented by the petitioner, within a period of one week from the date of receipt of a copy of this order. No costs.

16.10.2024

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

Yuva

To

1. The Sub Registrar,
Ambasamudram, Tirunelveli.

2. The Inspector of Police,
District Crime Branch,
Tirunelveli District.



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N.SATHISH KUMAR, J

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