



W.P.(MD).No.25890 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25890 of 2024

Vaigai Balan @ Balamurugan

... Petitioner

Vs.

1.The District Registrar,
Madurai South, Madurai.

2.The Sub Registrar,
Usilampatti,
Madurai District.

3.The Assistant Commissioner of Police,
City Crime Branch (CCB),
Madurai City, Madurai.

4.The Inspector of Police,
City Crime Branch (CCB),
Madurai City, Madurai.

... 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 order passed by the second respondent dated 21.10.2024 in refusal No.RFL/Usilampatti/37/2024 and quash the same and consequently, to direct the second respondent to register the document of sale deed dated 21.10.2024 in respect of the land in Survey No.60/2A situate at Usilampatti Village, Madurai District.



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For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.P.Subbaraj (for R1 & R2)
Special Government Pleader
Mr.M.Vaikkam Karunanithi
(for R3 & R4)
Government Advocate (crl.side)

ORDER

Challenge has been made to the impugned refusal check slip issued by the second respondent.

2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2 and Mr.M.Vaikkam Karunanithi, learned Government Advocate (crl.side), accepts notice on behalf of the respondents 3 and 4.

4. It is the case of the petitioner that when he presented the sale deed executed in favour of one Banu in respect of the subject property for registration, the registering authority refused to register the same on



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the ground that criminal case is pending against him and directed him to obtain No Objection Certificate from City Crime Branch vide impugned order dated 21.10.2024. Hence, this petition.

5. 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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In the light of the above settled provision of law, the impugned order passed by the second respondent cannot be sustained in the eye of law.

6. Accordingly, the impugned order in refusal No.RFL/Usilampatti/37/2024, dated 21.10.2024, is hereby quashed and this writ petition is **allowed**. The second respondent is directed to register the document presented by the petitioner in respect of the subject property within a period of seven days from the date of receipt of a copy of this order. No costs.

29.10.2024

Index : Yes / No

NCC : Yes / No

Rmk

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N.SATHISH KUMAR, J.

Rmk

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