



W.P (MD).No.25471 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.25471 of 2023

M.Kathirvel

...Petitioner

Vs.

1.The Sub-Registrar,
Velayuthampalayam Sub-Registrar Office,
Pugalur,
Karur District.

2.The Inspector of Police,
Economic Offences Wing,
Karur.

3.The Secretary to Government,
Home (Police) Department,
Government of Tamil Nadu,
Chennai.

4.The Director General of Police,
Mylapore, Chennai.
(R3 & R4 are suo motu impleaded
vide Court order dated 19.10.2023)

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip vide his proceedings in RFL.Velayuthampalayam/34/2023 dated 13.10.2023 issued by the first



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respondent and quash the same as illegal and ultravires and consequently directing the first respondent to register and release the sale agreement dated 13.10.2023 and consequential deed.

For Petitioner : Mr.A.N.Ramanathan
For R1 & R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R2 & R4 : Mr.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent, dated 13.10.2023 thereby, refused to register the sale deed on the ground that the subject property was purchased from the crime proceeds.

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

3. The property comprised in S.F.No.354 to an extent of 16293.34 sq.ft, situated at Pugalur Municipal Limit, Pugalur Taluk, Karur District was purchased by the petitioner by a registered sale deed, dated 17.11.2022, registered vide document No.2001/2022. Thereafter, the petitioner had entered into an agreement of sale on 13.10.2023 with the third party and the same was presented for registration. However, the first respondent refused to register the



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same on the ground that the second respondent informed that not to entertain any registration in respect of the subject property.

4. The second respondent filed a counter affidavit. It shows that one of the victim lodged a complaint alleging that he deposited huge amount to the tune of Rs.1,28,00,000/- with the Sivaparvathi Financiers, Sri Geethanjali Auto Financiers and S.G.Finance as a fixed deposit and after maturity, it was not returned to the petitioner. On a complaint, the second respondent registered a FIR in Cr.No.1 of 2023 for the offence under Sections 406, 420, 120(B) IPC and Section 5 of TNPID Act, 1997 as against all the three finance companies including its partners. The petitioner also one of the depositors with the accused finance to the tune of 2 crores and 5 lakhs. However, after the maturity, the petitioner was not settled any amount. Therefore, the petitioner lodged a complaint before the second respondent on 30.10.2022. However, even before the registration of the FIR, one of the accused A7 Thangarasu agreed to sell the subject property in favour of the petitioner. Accordingly, he had executed the sale deed in favour of the petitioner in respect of the subject property by the sale deed, dated 17.11.2022 registered vide document No. 2001/2022. Thereafter, the other victims lodged a complaint in which, the second respondent registered the FIR. In any way, now the petitioner was



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settled with the subject property for the amount deposited by him. The settlement is permissible under TNPID Act. The subject property was sold in favour of the petitioner for the amount which was deposited by the petitioner with the accused. Therefore, there is absolutely no impediment for further alienation of the subject property by the petitioner.

5. In view of the above, the impugned order dated 13.10.2023, passed by the first respondent cannot be sustained and it is liable to be quashed.

6. Accordingly, this writ petition is allowed and the impugned order dated 13.10.2023, passed by the first respondent, is hereby quashed. The petitioner is directed to represent the sale agreement with the first respondent and on receipt of the same, the first respondent is directed to register the sale agreement and release the document forthwith. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

27.11.2024



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To

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G.K.ILANTHIRAIYAN, J.

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