



W.P (MD).No.27648 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

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

W.P (MD).No.27648 of 2024

Mrs.M.Bagavathi

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office Nagercoil,
Kanyakumari District,
Nagercoil-629 001.

2.The Sub-Registrar,
Sub-Registrar Office,
Thisayanvillai,

3.Inspector of Police (Crime)
R-5 Virugampakkam Police Station,
Chennai-600 093.

... 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 made in Letter/Communication, dated 28.08.2024/Na.Ka.No.201/2024 on the file of the second respondent herein and quash the same as illegal, arbitrary, high handed and without jurisdiction and consequently direct the second respondent to hand over the petitioners registered original sale deed dated 29.04.2024 bearing Document No.1294 of 2024 immediately without any further delay.



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For Petitioner : Mr.V.P.Chamuraj
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the order passed by the second respondent, dated 28.08.2024 thereby, refused to release the sale deed, which was registered vide document No.1294 of 2024.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The petitioner had purchased the property comprised in Survey No. 530/3, 530/3D5 to an extent of 4897 sq.ft situated at No.1B, Veda Kovil Street, Jothi Nagar, Thisayanvilai, Tirunelveli District by a sale deed, dated



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29.04.2024 and presented for registration before the second respondent and the same was registered vide document No.1294 of 2024. However, it was not released in favour of the petitioner on the ground that the petitioner's husband's brother involved in a criminal case registered in Cr.No.158 of 2024 for the offences under Sections 406, 420, 120(B) of IPC, on the file of the Inspector of Police, R-5 Virungapakkam Police Station, Chennai. Admittedly, the petitioner is not selling any property. The petitioner is not an accused in Cr.No.158 of 2024. The petitioner's vendor one Aandi is also not an accused in the above said crime number. It is not the case of the third respondent that the subject property was purchased from the crime person of in Cr.No.158 of 2024. The petitioner's husband's brother is an accused in the above case and he cheated huge amount from the general public. Therefore, the subject property is noway connected with the crime committed by the petitioner's husband's brother.

5. In view of the above, this Court finds infirmity in the order passed by the second respondent, dated 28.08.2024 and it cannot be sustained and liable to be quashed.

6. Accordingly, this writ petition is allowed and the impugned order dated 28.08.2024, passed by the second respondent, is hereby quashed. The second respondent is directed to release the document registered vide document



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No.1294 of 2024, dated 29.04.2024 forthwith in favour of the petitioner. No costs.

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

20.11.2024

To

- 1.The District Registrar,
District Registrar Office Nagercoil,
Kanyakumari District,
Nagercoil-629 001.
- 2.The Sub-Registrar,
Sub-Registrar Office,
Thisayanvillai,
- 3.Inspector of Police (Crime)
R-5 Virugampakkam Police Station,
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G.K.ILANTHIRAIYAN, J.

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