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W.P.(MD) No.28064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD) No.28064 of 2024

N.Ravichandran

... Petitioner

-vs-

1.The Inspector General of Registration
Registration Department
No.100, Santhome High Road
Chennai

2.The Sub Registrar
Sub Registrar Office
Manapparai
Trichy District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the second respondent in impugned Refusal Check Slip in Refusal No.RFL/Manapparai/406/2024 dated 11.11.2024 and quash the same as illegal and consequently direct the second respondent to register the sale deed submitted by the petitioner for the housing plot for an extent of 2592 sq.ft



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comprised in Survey No. 140/21B situated at Vaiyampatti Village, Manapparai Taluk, Trichy District, within a time frame to be fixed by this Court.

For Petitioner : Mr.R.R.Kannan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents.

2. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed challenging the refusal check slip, dated 11.11.2024, issued by the second respondent, thereby refused to register the sale deed presented by the petitioner for registration, in respect of the plot comprised in Survey No.140/21B, measuring an extent of 2592 sq.ft., at Vaiyampatti Village, Manapparai Taluk, Trichy District.



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4. The petitioner purchased a plot measuring about 4508 sq.ft., in Survey No.140/2B2 of Vaiyampatti Village, Manapparai Taluk, Trichy District, under a sale deed dated 25.09.2019, registered as document No.5052 of 2019. Thereafter, he came to know that his vendors failed to inform him about the acquisition proceedings of a portion of the land by the National Highways. Therefore, the petitioner's vendors executed a rectification deed, dated 27.01.2020, registered as document No.483 of 2020, for an extent of 3888 sq.ft.

5. While being so, the petitioner came to know that a criminal complaint was lodged against him, before the Deputy Superintendent of Police, Anti Land Grabbing Cell, District Police Office, Trichy District, on 07.03.2023, alleging not to deal with registration of the subject property. However, the said complaint was closed with a direction to lodge a private complaint. Accordingly, a case in Crime No.21 of 2022, on the file of the Inspector of Police, Anti-Land Grabbing Special Cell (DCB), Trichy, was filed as against the petitioner. The allegation in the said first information report is that the *de facto* complainant's husband borrowed several loans from the Bank as well as private individuals. However, he failed to settle the amount and in order to



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settle the loan amount, he approached the petitioner and others to sell the subject property. Accordingly, the petitioner purchased the subject property without the consent of the *de facto* complainant and her family members. Therefore, considering the above facts and circumstances of the case, this Court, by order dated 19.04.2023, in CrI.O.P.(MD) No.7171 of 2023, granted anticipatory bail to the petitioner. In such circumstances, out of the said total extent of land, the petitioner intended to sell a portion of the land, measuring an extent of 2592 sq.ft., in favour of one F.Abel. When the sale deed was presented before the second respondent, by the impugned check slip, the second respondent refused to register the sale deed. Hence, this writ petition.

6. On a perusal of the materials available on record, it is seen that the allegations in the criminal case in Crime No.21 of 2022, on the file of the Anti-Land Grabbing Special Cell (DCB), Trichy, are nothing to do with the subject property. Furthermore, the Investigating Officer of the said criminal case was arrested and remanded to judicial custody on the allegation of bribe. The fact of the first information report in the said criminal case is also not known. Therefore, on the strength of the request from the Deputy Superintendent of Police, Anti Land Grabbing Cell, Trichy, the second



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respondent cannot refuse to register the sale deed in respect of the subject property presented by the petitioner herein. Therefore, the impugned check slip cannot be sustained and it is liable to be quashed.

7. In view of the above, this writ petition is allowed. The impugned check slip, dated 11.11.2024, issued by the second respondent, is hereby quashed. The petitioner is directed to re-present the sale deed before the second respondent for registration. On receipt of the same, the second respondent is directed to register the sale deed and release the same forthwith, if it is otherwise in order. No costs.

25.11.2024

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

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To:

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The Sub Registrar,
Sub Registrar Office,
Manapparai, Trichy District.

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G.K.ILANTHIRAIYAN, J.

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