



W.P(MD)No.29165 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.29165 of 2022

M.Karnan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar (Administration),
Office of the District Registrar,
Dindigul District.

3.The Sub Registrar,
Office of the Sub Registration,
Kannivadi,
Dindigul District.

4.The Deputy Superintendent of Police,
EOW-2,
Coimbatore.

***(R.4 is suo motu impleaded vide
order of this Court dated 25.01.2023)***

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to entertain the documents to be presented for registration relating to the lands comprised in S.No.83/1, 83/1B, 83/2, 83/3 situated at Kod Alvavi Village, Kannivadi Sub Registration, Dindigul West Taluk, Dindigul District without insisting for any No objection Certificate and to register the same within the time stipulated by this Court.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
for R.1 to R.3

Mrs.M.Aasha
Government Advocate (Criminal Side)
for R.4

ORDER

This writ petition has been filed to direct the third respondent herein to entertain the documents to be presented for registration relating to the lands comprised in S.No.83/1, 83/1B, 83/2, 83/3 situated at Kod Alvavi Village, Kannivadi Sub Registration, Dindigul West Taluk, Dindigul District without insisting for any No objection Certificate and to register the same.



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

3.The property in Survey Nos.83/1, 83/1B, 83/2, 83/3 belongs to one Muthusamy. The said property originally purchased by Dhanushkodi and Subramanian by a registered sale deed dated 28.10.2008 registered vide Document No.1901/2008. Thereafter, it was purchased by one Manikandan by a registered sale deed dated 19.04.2012 vide Document No.1022/12. In turn, the said Manikandan executed power of attorney in favour of Dhandapani and Karnan vide registered vide Document Nos. 1483/13 and 1484/13. They had also in turn sold the subject property in favour of Eswari and K.Subramani. Further, the said Eswari had executed a sale deed in favour of Shanthi and also in favour of K.Chandrasekar. The said Eswari executed a sale deed in respect of another extent of property in favour of one K.Dhandapani. The said Subramani also sold some extent of property in favour of D.Rathinam. Accordingly, the revenue records mutated in their favour. The petitioner after verifying the title and encumbrance certificate ensured that the subject property was also not attached in pursuant to the registration of



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FIR in Crime No.1 of 2013 on the file of Inspector of Police, EOW-2, Coimbatore and had purchased the said property from the said Subramani for a valid sale consideration and presented the sale deed for registration. However, the third respondent refused to register the property on the ground that the Deputy Superintendent of Police, EOW-2, Coimbatore has requested them to not to register the subject property in pursuant to the registration of Crime No.1 of 2013 registered for the offences under Sections 120(b), 406, 420 of IPC and Section 10 of the TANPID Act.

4.The learned counsel appearing for the petitioner would submit that a mere request made by the Police Officials would not preclude the registering authority from registering a deed. In support of his contention, he relied upon a judgment of this Court reported in **(2024) 3 MLJ 588 (Subramani Vs Sub-Registrar, Office of the Sub-Registrar, Rasipuram & Another)**, in which, this Court had held that the practice of Police Officers issuing letters to the Sub-Registrars 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 in spite of using the Police to prevent their Registrar from performing his duties. Therefore, the registering authority has no power to refuse the registration.



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5.The counter affidavit filed by the fourth respondent reveals that a case has been registered in Crime No.1 of 2013 based on the complaint lodged by one Ramasamy. After completion of investigation, the fourth respondent filed final report on 20.06.2013 against the accused for the offences under Sections 120(b), 406, 420 of IPC and Section 5 of the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments) Act before the Special Court under TNPID Act, Coimbatore. Now, it is stated that the files have been transferred to EOW-2, Tiruppur due to bifurcation. Cognizance in C.C.No.19 of 2013 has been taken and it is pending for trial.

6.During investigation, the investigation officer identified the accused, movable and immovable properties and their benamies properties. Some of the properties were sold through the power of attorney in respect of the property comprised in SF.No.83/1, 83/1B, 83/2 and 83/3 which was purchased by one Muthusamy, who is arrayed as A13 in Crime No.28 of 2009, vide Document No.1174/2004 for an extent of 5.72 Acres of land and thereafter Muthusamy sold it to Dhanushkodi and Subramanian vide registered Document No.1981/2008. Thereafter, the said property was sold to one Maniraj @ Manikandan, who is prime



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accused in Crime No.1 of 2013, vide Document Nos.883/2012 and 1022/2012 in respect of the property in B7, B9, B10, B11 and B12 situated at Sri Amman Nagar, Kodalvavi Village, Sriramapuram, Kannivadi, Dindigul District. The said Maniraj @ Manikandan had executed a power of attorney with mala fide intention and sold the property in favour of the petitioner herein.

7.Now, it is seen that the subject properties purchased by the petitioner herein are identified as the proceeds of crime. The petitioner's father has involved in a crime and thereby cheated the general public to the tune of several crores. After identification of these subject properties, the investigation officer filed application before the trial Court and it is pending. Therefore, the petitioner was rightly informed by the registering authority that the petitioner's vendors involved in a crime by collecting huge amount from the general public and committed default in repayment of the said amount.

8.Therefore, I am of the view that the registering authority has rightly refused registration in respect of the subject property. The above judgment cited supra relied upon by the learned counsel for the petitioner is not applicable to the case on hand.



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9.Hence, this writ petition is dismissed. There shall be no order as to costs.

14.11.2024

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

To

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Copy to

The Deputy Superintendent of Police,
EOW-2,
Tiruppur.



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G.K.ILANTHIRAIYAN,J.

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