



W.P(MD)No.31067 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.31067 of 2023

R.Sasikumar

.. Petitioner

Vs

1.The District Registrar,
Karur, Karur District.

2.The Sub Registrar,
Velayuthempalayam,
Karur District.

3.The Inspector of Police,
Economic Offence Wing,
Karur, Karur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling the records relating to the proceedings of the 2nd respondent made in RFL/Velayuthampalayam/40/2023 dated 19.12.2023 and quash the same and consequently direct the 2nd respondent to register the sale deed dated 18.12.2023 in respect of property comprised in S.No.1099/3 situated at



W.P(MD)No.31067 of 2023

Punjai Pugalur North Village, Pugalur Taluk, Karur District.

For Petitioner : Mr.R.Murali
For R1 &R2 : Mr.C.Satheesh
Central Govt. Standing Counsel
For R3 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Certiorarified Mandamus, to quash the proceedings of the 2nd respondent made in RFL/Velayuthampalayam/40/2023 dated 19.12.2023 and consequently direct the 2nd respondent to register the sale deed dated 18.12.2023 in respect of property comprised in S.No.1099/3 situated at Punjai Pugalur North Village, Pugalur Taluk, Karur District.

2.Heard Mr.R.Murali, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned counsel appearing for the respondents 1 & 2 and Mrs.M.Aasha, learned Government Advocate (Crl. side) appearing for the third respondent.



W.P(MD)No.31067 of 2023

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3. The case of the Petitioner is that the petitioner purchased the property comprised in S.No.1099/3, to an extent of 61.75 cents out of total 1 Acre and 23.5 cents situated at Punjai Pugalur North Village, Pugalur Taluk, Karur District. The vendor of the petitioner purchased the property through registered sale deed dated 20.09.2022 in Doc.No.1623/2022 registered on the file of the 2nd respondent/Sub Registrar, Velayuthampalayam and patta is also stands in his name. After purchased the property, the petitioner's vendor executed a sale deed dated 18.12.2023 in favour of the petitioner to an extent of 61.75 cents. When the petitioner submitted the necessary documents for registration before the 2nd respondent on 19.12.2023, the same was returned by refusing to register the same based on the objection letter of the 3rd respondent. Hence, this petition.

4. As per the counter filed by the respondents, based on the complaint given by one T.Selvaraj, who is one of the depositors, case was registered in Crime No.1 of 2023 for the offence under Sections 406, 420 and 120B IPC, by the respondent police against 17 accused regarding the defraud of public amount to the tune of Rs.1,28,00,000/- by way of running three finance companies viz., (i)Sivaparvathi Financiers, (ii) Sri Geethanjali Auto



W.P(MD)No.31067 of 2023

WEB COPY

Financier and (iii) S.G.Finance. One of the accused is one Gunasekaran/A6 and another Dhanasekaran, who are the vendors of the petitioner herein, had purchased the property in S.F.No.1099/3, Punjai Pugalur south Village vide Doc.No.1623/2022 dated 20.09.2022 to an extent of 1 Acre and 23.05 cents from one Prabu and his son Kabilan. On enquiry, the respondent found that A6 holds $\frac{1}{2}$ undivided share of the property. Hence, they sent requisition to the Sub Registrar, Velayuthampalayam vide C.No.727/Inspector/EOW/Karur/2023 dated 19.07.2023 not to entertain any transaction regarding the said property and to freeze the same. They also submitted the same to the Government Pleader, TNPID Court, Madurai to obtain his legal opinion whether the property can be attached under Section 3 of TNPID Act and the Special Government Pleader opined that the said properties have to be attached under Section 3 of TNPID Act since there was a total number of 80 depositors in the above said financial companies and the public money involved runs to the tune of Rs.9,63,61,571/-. In order to repay the amount for the defaulted depositors the respondent have identified the property of the accused/A6 Gunasekaran to attach $\frac{1}{2}$ undivided share of the property in S.F.No.1099/3, Punjai Pugalur South Village vide Doc.No.1623/2022 dated 20.09.2022 under Section 3 of the TNPID Act. The petitioner and the said



W.P(MD)No.31067 of 2023

WEB COPY

Dhanasekaran are neither depositors nor an accused in this case. Further, the respondent do not have any objection in purchasing the $\frac{1}{2}$ undivided share of the property hold by Dhanasekaran.

5. In view of the above, the second respondent is directed to consider the above said submission made by the respondent police and consider the documents presented by the petitioner for registration of his property in accordance with law, and if it is otherwise in order, the second respondent can register the same. There is no order passed by the competent Court for attaching the said property.

6. With the above direction, this writ petition is disposed of. No Costs.

30.01.2024

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

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W.P(MD)No.31067 of 2023

To

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3.The Inspector of Police,
Economic Offence Wing,
Karur, Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.31067 of 2023

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PJL

W.P(MD)No.31067 of 2023

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