



WP(MD). No.31188 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 18/10/2024

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The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.31188 of 2023
and WMP(MD) Nos.26716 and 26719 of 2023

Prabhu .A

... Petitioner

Vs

1. The District Registrar,
O/o. the District Registrar,
Theni, Theni District..

2. The Sub Registrar,
O/o. the Sub Registrar,
Bodinaickanoor,
Theni 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 for the records relating to the impugned refusal slip RFL/Bodinaickanur/11/2022 issued by the 2nd respondent vide his proceedings NIL dated 26.07.2022 and quash the same as illegal and consequently to the direct the respondents to register the said documents to be presented by the petitioner and to return the documents to the petitioner after registration of the documents within the time that may be stipulated by this Court.



WP(MD). No.31188 of 2023

For Petitioner : Mr.M.Mohammed Zamil
for M/s. Ajmal Associates,
For Respondents : Mr.M.Siddharthan for R1&R2
Additional Government Pleader

ORDER

The writ petition has been filed challenging the refusal slip issued by the 2nd respondent dated 26.07.2022 and consequently to direct the respondents to register the said documents to be presented by the petitioner and to return the documents to the petitioner after registration of the documents within the time that may be stipulated by this Court.

2. It is the case of the petitioner that the subject property originally owned by M/s.Amarkantak Farms Private Limited, who has plotted out the said lands and from which, M/s.Jenisan Prop Care had purchased the same through power agent and from the power agent of M/s.Jenisan Prop care, the petitioner had purchased the same in the year 2019 and was in possession and enjoyment. While so, the petitioner executed sale agreement with one Prabakaran. When the sale is not fructified, he intended to cancel the same. Accordingly, presented the document. However,the same was refused to be registered by the respondents stating that the land in question is related to PACL company.



WP(MD). No.31188 of 2023

WEB COPY

3. I have considered the rival submissions and perused the materials available on record.

4. The learned counsel appearing for the Nodal Officer submitted that the issue is pending before the Hon'ble Supreme Court and the Hon'ble Supreme Court has appointed a Committee headed by the Hon'ble Mr. Justice R.M. Lodha, former Chief Justice of India. He further submitted that on the basis of the report given by the said Committee, an order has been passed by the Hon'ble Supreme Court attaching the properties owned by the PACL Company. He further submitted that the Hon'ble Supreme Court has also passed an order restraining all the Courts in India from entertaining any claims involving PACL properties. The said order has been passed on **02.05.2016** in ***Civil Appeal No. 13301/2015 [Subrata Bhattacharya Vs. Securities And Exchange Board of India and Ors.]***. On 27.09.2017, the Hon'ble Justice (Retd.) R.M. Lodha Committee, has constituted a committee headed by R.S. Virk, District Judge (Retd.) to hear the objections/representations against the attachment of various properties belonging to the PACL.



WP(MD). No.31188 of 2023

WEB COPY

4. Considering all these facts and circumstances of the case, this Court is of the view that as the issue pertains to PACL properties and the Hon'ble Supreme Court has also passed a restraint order from entertaining any claims involving PACL properties, the petitioner has to present his objections/representation before the Hon'ble Justice (Retd.) R.M.Lodha Committee.

5. Though it is the submissions of the learned counsel appearing for the petitioner that there was no entry in the Encumbrance Certificate and further, he is also not aware of the nature of the documents held by the PACL, this Court is of the view that the petitioner can place his grievances before the Hon'ble Justice (Retd.) R.M.Lodha Committee, which was constituted in this regard. On the basis of the said objections/representation, the Committee may decide the objections of the petitioner in respect of the immovable property and pass necessary orders.



WP(MD). No.31188 of 2023

6. In view of the above, all the petitioner is directed to file his necessary application/objections, as the case may be, before the Hon'ble Justice (Retd.) R.M.Lodha Committee and thereafter, can seek to raise an attachment, on the basis of the finding given by the said Committee. The Hon'ble Committee may expedite the hearing of the matters and give its finding at the earliest, since several Writ Petitions have been filed.

7. With the above directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.10.2024

RR

TO

1. The District Registrar,
O/o. the District Registrar,
Theni,
Theni District..

2. The Sub Registrar,
O/o. the Sub Registrar,
Bodinaickanoor,
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WP(MD). No.31188 of 2023

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.31188 of 2023**

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