



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3690 of 2025

A.Srinivasan

... Petitioner

Vs.

The Sub Registrar,
Sunguvarchatram,
Vadivambal Nagar, Kandigai Road,
Sunguvarchatram
Kancheepuram District 602 106.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned Refusal Check Slip RFL/Sunguvarchatram/1/2024 ated 21.01.2025 and quash the said impugned order consequentially direct the respondents to register the Sale Deed dated 21.01.2025 within time frame as fixed by this Court.

For Petitioner : Mr.S.Sathishkumar

For Respondents : Mr.M.Shajahan
Special Government Pleader for R1

Mr.V.J.Priyadarsana
Government Advocate for R2



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ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the respondent on 24.01.2025 and for a consequential direction to the respondent to register the sale deed dated 24.01.2025.

2. Heard Mr. S. Sathish Kumar, learned counsel appearing for the petitioner and Mr. Abishek Murthy, learned Government Advocate appearing for the respondent.

3. The case of the petitioner is that the property is owned by N. Kuppan, who purchased the property from one Devaki @ Deivanai, and he agreed to sell the property in favour of the petitioner. Accordingly the sale consideration was also paid by the petitioner and a sale deed dated 21.01.2025 was presented for registration before the respondent. On receipt of the same, a refusal check slip was issued by the respondent stating that a communication has been received from the Additional Deputy Superintendent of Police, EOW, Ashok Nagar, to the effect that no document should be entertained since an investigation is pending in Crime

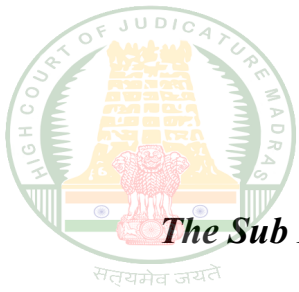


No.21/2022. Aggrieved by the same, the present Writ Petition has been filed.

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4. In the considered view of this court, a police officer does not have any power under the code of Criminal Procedure to direct the registering authority not to register any documents. Section 102 of Cr.P.C. relates to only movable properties and not immovable properties. Going through the refusal check slip, it is seen that the said FIR has been registered not only under IPC but also under BUDS Act and TANPID act. These two enactments provide for attachment of the property by the competent authority. If any such attachment is made by issuance of a Government Order, obviously, such property cannot be dealt with and permission must be taken from the Special Court. The communication that has been sent by the ADSP, EOW, does not specify any such order of attachment passed with respect to the subject property. In the absence of the same, the respondent cannot refuse to register the document merely based on the communication received from the police.

5. The issue as to whether the police by sending a communication can stop the registration was dealt with by this Court in the case of ***K.Subramanijan vs.***



The Sub Registrar reported in 2020 SCC On line Mad 20112.

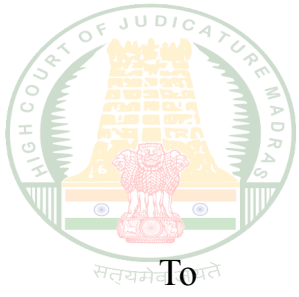
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6. In the result, there shall be a direction to the respondent to once again ascertain from the ADSP, EOW, Ashok Nagar, as to whether any order of attachment has been passed with respect to the subject property and the process of attachment has taken place as per the BUDS Act / TNPID Act. If any such order has been passed, the respondent need not register the document. In the absence of any such order, the respondent shall entertain the sale deed, if it is otherwise in order, and register the same.

7. In the result this Writ Petition is allowed with the above directions. No costs.

10.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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To
The Sub Registrar,
Sunguvarchatram,
Vadivambal Nagar, Kandigai Road,
Sunguvarchatram
Kancheepuram District 602 106.



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N. ANAND VENKATESH, J.

SSI

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