



W.P.No.7224 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.03.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.7224 of 2025

and

W.M.P.No.8034 of 2025

R.Priyadarshini

.. Petitioner

Vs.

- 1.The Sub-Registrar,
Office of the Sub Registrar, Mailam,
No.1/15A, Sannathi Street, Mailam,
Tamilnadu – 604 304.
- 2.The District Registrar (Admin),
Office of the District Registrar,
No.2/7B, Senji Road, Sandhaimedu,
Avaraipakkam, Thindivanam,
Villupuram District – 604 001.
- 3.The Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch, Shastri Bhavan,
II floor, Haddows Road, Chennai – 600 006.
RC.No.0322024A0014.
- 4.Head of the Branch,
Central Bureau of Investigation,
Anti Corruption Branch, Shastri Bhavan,
II floor, Haddows Road, Chennai – 600 006.
RC.No.0322024A0014.

.. Respondents



W.P.No.7224 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 17.02.2025 on the file of the 1st respondent, quash the same and issue consequential direction directing the 1st respondent to register the pending document in P19/2025.

For petitioner	:	Mr.John Sathyan Senior Counsel for Mr.R.SathishKumar
For RR 1 & 2	:	Mr.U.Baranidharan Special Government Pleader
For RR 3 & 4	:	Mr.K.Srinivasan Senior Counsel Special Public Prosecutor

ORDER

This writ petition has been filed challenging the impugned notice of the 1st respondent dated 17.02.2025 and for a consequential direction to the 1st respondent to register the pending document in P19/2025 and to release the same.

2.When the matter came up for hearing on 04.03.2025, this Court passed the following order:



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“Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of the respondents 1 and 2 and Mr.V.J.Priyadarsana, Government Advocate (Crl.Side) takes notice on behalf of the respondents 3 and 4.

2.The grievance expressed by the petitioner is that the first respondent is refusing to entertain any document presented for registration based on the letter given by CBI restraining the first respondent from registering any document in view of a pending investigation conducted by CBI. The issue that is involved in the present writ petition is squarely covered by the earlier orders passed by this court wherein this court has categorically held that an investigation agency does not have the power to issue a letter to the registering authority and stop the registration of documents pertaining to immovable properties. This court has held that such a power is not available under Section 102 of Cr.P.C. The power to restrain an authority from registering the documents must be traceable to some enactment which provides for attachment of the property. In the absence of the same, an investigation agency cannot straight-away issue a letter and stop the registration of documents pertaining to the property.

3.Post this writ petition at the end of motion list on 11.03.2025.”



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3. When the matter was taken up for hearing today, the learned Senior Counsel appearing on behalf of the CBI submitted that initially while registering the FIR, the check period was fixed from 01.04.2017 to 31.03.2023. It was later extended to 16.10.2024. It was contended that the husband of the petitioner was functioning as a Data Entry Operator at Villianur Commune Panchayat, Puducherry, and he had acquired assets disproportionate to his known sources of income. The investigation has been completed and it has come to light that totally 19 crores has now been found to be the disproportionate income, which is 605% more than his known sources of income. The learned Senior Counsel further submitted that sanction has also been obtained in the case and police report will be filed at any time. In the mean time, since hasty steps were taken to dispose of the properties, the communication was made by the 3rd respondent to the 1st respondent not to entertain any documents pertaining to the property for registration.

4. The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner has independent source of income and she is an income tax assessee and her income is now sought to be added to the income of her husband and thereby project the case as if the income of



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the husband is disproportionate to the known sources of income. The learned Senior Counsel submitted that the property in question belongs to the petitioner and she has every right to deal with her property and it cannot be stopped by the CBI based on the criminal case that is pending against the petitioner's husband.

5.In reply to the above submission, the learned Senior Counsel appearing on behalf of the CBI submitted that steps have already been taken to attach the properties under Section 18A of the Prevention of Corruption Act. For this purpose, authorization of the Government of India has been sought for to file a petition before the concerned Court. In order to undertake this exercise, the approval must be given by the competent authority under Section 3 read with Section 6 of the Criminal Law (Amendment) Ordinance, 1944 read with Section 18A of the Prevention of Corruption Act and thereafter the concerned Court will be moved seeking for ad interim attachment under Section 4. Till this period, some protection must be given to ensure that the properties are not alienated and third parties start claiming independent right over the property.



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6. In the considered view of this Court, as of now the 3rd respondent cannot stop the Sub Registrar from registering the document presented, pertaining to the properties that belongs to the petitioner. The petitioner has now been made aware of the fact that steps are being taken to attach the property of the accused person and family members. In view of the same, the property purchased by any third party should be made aware of the fact that such proceedings are initiated by the CBI. This is in view of the fact that they should not turn around in future and say that they are bonafide purchasers. Protection can be given only to this extent for the present till the CBI moves the appropriate Court and gets an order of interim attachment.

7. In the light of the above discussion, the impugned notice of the 1st respondent dated 17.02.2025 is hereby quashed and there shall be a direction to the 1st respondent to register the pending document, if it is otherwise in order. It goes without saying that since the petitioner is now aware of the proceedings initiated by CBI, it will be subject to further attachment proceedings. It is also made clear that the petitioner can always object to the attachment proceedings being initiated in the manner known to law.



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8.In the result, this Writ Petition is allowed with the above

directions. Consequently, the connected Miscellaneous Petition is closed.

No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No

To

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Office of the District Registrar,
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N.ANAND VENKATESH, J.

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