



W.P. No.21355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.21355 of 2025

and

W.M.P.Nos.24106 and 24107 of 2025

Ramadoss

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Economic Offence Wing, Ashok Nagar,
Chennai 600 083.

2. The Sub Registrar,
Kaveripakkam Sub Registrar Office,
Kaveripakkam,
Ranipettai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the 1st respondent in C.No.62/DSP/EOW/IFS/2023 dated 03.10.2023 and quash the same as illegal in respect of Document No.5104/2020 and Document No.5563/2022 and consequently direct the 2nd respondent to remove the entry of the impugned proceedings of the 1st respondent in C.No.62/DSP/EOW/IFS/2023 dated 03.10.2023 in the encumbrance.

For Petitioner(s)

: Mr.P.Ranjith Raja



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For R1

: Mr.R.Kishore Kumar
Government Advocate (Crl. Side)

For R2

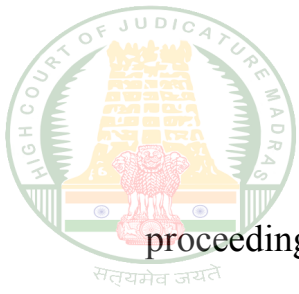
: Mr.Abishek Murthy,
Government Advocate

ORDER

The present writ petition is filed praying for a writ of certiorarified mandamus, challenging the impugned proceedings dated 03.10.2023 passed by the 1st respondent in C.No.62/DSP/EOW/IFS/2023, wherein reference is made to proceedings in EOW Chennai Cr.No.16/2022 u/s 420, 409, 120(B) of IPC, r/w 3, 5, 21(1), 21(2), 21(3), 23 and 25 of BUDS Act, 2019 & Sec.5 of TNPID Act, 1997.

2. It is submitted by the learned counsel for the petitioner that the petitioner and his wife purchased the property comprised in Survey Nos.70/1A, 70/1B, 70/1C, 69/1B, 69/2B and 68/2B, measuring 93 Cents, situated at Pinnavaram Village, Arakonam Taluk, Ranipettai District from one Arul, vide sale deed dated 15.12.2022, registered as Doc.No.5563/2022 on the file of the 2nd respondent. It is further submitted that the petitioner is the absolute and lawful owner of the subject property.

2.1. It is submitted by the learned counsel for the petitioner that when the petitioner verified the encumbrance certificate, petitioner noticed that impugned



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proceedings dated 03.10.2023 passed by the 1st respondent was entered in the

Encumbrance Certificate, wherein reference is made to proceedings in EOW Chennai Cr.No.16/2022 u/s 420, 409, 120(B) of IPC, r/w 3, 5, 21(1), 21(2), 21(3), 23 and 25 of BUDS Act, 2019 & Sec.5 of TNPID Act, 1997. It is further submitted by the learned counsel for the petitioner that in the said proceedings 1st respondent directed the 2nd respondent not to register any document in respect of the subject property.

2.2. It is submitted by the learned counsel for the petitioner that even before case was registered under the TNPID Act, the petitioner had purchased the property and there was no attachment on the date of purchase in terms of Section 3 of TNPID Act, 1997. It is further submitted by the learned counsel for the petitioner that the impugned communication has no sanctity in law and placed reliance upon the judgment of this Court in the case of R.Madhupriya and Another v. Inspector General of Registration and Another, reported in 2020 SCC OnLine Mad 20112, where in it was held as under:

“6. In the above order, this Court has categorically held against the refusal of registration of documents merely based on letters issued by the Police unless a proper order of attachment is obtained from the competent authority under the relevant enactment. In view of the same, the second respondent cannot prevent the petitioners from submitting documents for registration merely based on the letter issued by the police. In fact, such a letter should not be recorded in an Encumbrance Certificate since it is beyond the jurisdiction of the Police to restrain the owners of the property from dealing with the same. Therefore the second respondent shall also delete the entry made in the Encumbrance Certificate.”



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WEB COPY 2.3. It is also submitted by the learned counsel for the petitioner that in circular dated 12.07.2024, the following instructions have been issued:

“Circular
No.22482/C1/2022, Dt. 12.07.2024

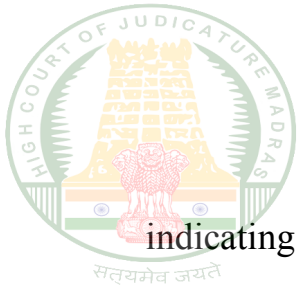
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c) As far as the refusal of registration of documents based on the letters received from the police officials is concerned, Hon'ble High Court has in number of instances (including R. Madhu priya v Inspector General of Registration 2020 SCC Online Mad 2012) has deprecated the practice of police officers issuing letters to the Sub-Registrar's asking them to refrain from registering documents. Hon'ble Courts have also held that in such cases, it is for the aggrieved party to obtain appropriate orders from the civil court instead of using the police machinery to prevent the Registrar from performing his statutory functions. Hence it is hereby instructed that registering officers should not refuse registration of documents merely based on the letter issued by police officials.”

2.4. It is submitted by the learned counsel for the petitioner that in the light of the above order of this Court and the Circular dated 12.07.2024, the impugned proceedings cannot be sustained.

3. To a pointed question as to whether any appeal has been preferred against the above order of this Court it was submitted by both the learned counsel for the respondents that no appeal has been preferred.

4. In view thereof the impugned proceeding dated 03.10.2023 is set aside. The 2nd respondent is directed to make an entry in the Encumbrance Certificate



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indicating this order of this Court. Accordingly, the writ petition stands disposed

of. No costs. Consequently, connected miscellaneous petitions are closed.

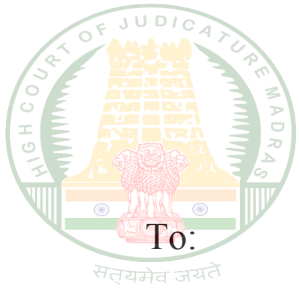
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Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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1. The Assistant Commissioner of Police,
Economic Offence Wing, Ashok Nagar,
Chennai 600 083.
2. The Sub Registrar,
Kaveripakkam Sub Registrar Office,
Kaveripakkam,
Ranipettai District.



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MOHAMMED SHAFFIQ, J.

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