



W.P. No.26419 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.26419 of 2025

Rajesh A

Petitioner(s)

Vs

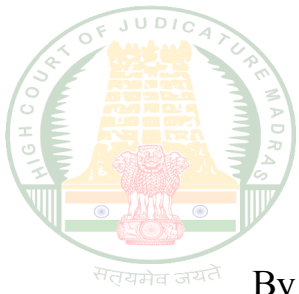
The Sub-Registrar
Kanchipuram Joint-I Sub Registrar Office,
Kanchipuram District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Number RFL/ Kanchipuram Joint I/ 11/ 2025 dated 27.06.2025 and quash the same and consequently direct the respondent to register the petitioner's Memorandum Confirming the Deposit of Title Deeds dated 26.06.2025 forthwith and release the same.

For Petitioner(s) : Mr.A.Ilayaperumal

For Respondent(s) : Mr.U.Baranidharan
Special Government Pleader



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ORDER

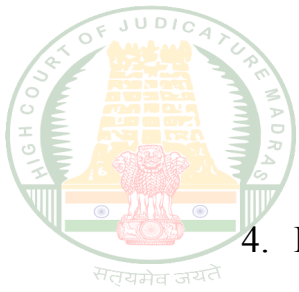
By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. The present writ petition is filed praying for a writ of Certiorarified Mandamus challenging the refusal check slip dated 27.06.2025 whereby the mortgage deed dated 27.06.2025 was sought to be refused on the premise that a FIR is stated to be pending.

3. It is submitted by the learned counsel for petitioner that mere pendency of FIR cannot be a reason for refusal of registration by placing reliance on the judgment of this Court in W.P.No.12289 of 2020 dated 09.09.2020, wherein it was held as under:

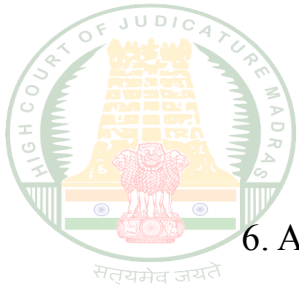
“6.this Court has categorically held against the refusal of registration of documents merely based on letters issued by the Police unless a proper order of attachment is obtained from the competent authority under the relevant enactment. In view of the same, the second respondent cannot prevent the petitioners 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.”



4. Reliance was also placed on Circular dated 12.07.2024 wherein instructions have been issued on the basis of the above orders of this Court. The relevant portions of the circular is extracted hereunder:

“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 vs. 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.”

5. In view thereof, the impugned order is set-aside. It is open to the petitioner to re-present the mortgage deed for registration, the concerned respondent shall consider and register the document if it is otherwise in order. If for any reason the registering authority finds that the registration ought to be refused, the same shall be done after assigning reasons. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.



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6. Accordingly, the writ petition stands disposed of. No costs.

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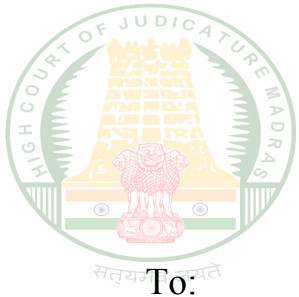
21.07.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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The Sub-Registrar
Kanchipuram Joint-I Sub Registrar Office,
Kanchipuram District.



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MOHAMMED SHAFFIQ, J.

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