



W.P.(MD)No.2539 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

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Sivaguru

... Petitioner

/Vs./

1. The Sub-Registrar

O/o, District Registrar Office,
11, Palace Road, Madurai.

2. The Deputy Superintendent of Police, (EOW),

Office of Commissioner of Police,
Alagar Kovil Main Road,
K.Pudur, Madurai,

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned refusal slip issued by the 1st respondent herein vide proceedings reference RFL/1 Joint Sub Registrar, Madurai South/6/2025 dated 27.01.2025 and quash the same and consequently direct the 1st respondent herein to register the sale deed released the same within the stipulated time period that may be fixed by this Court.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents : Mr.S.P.Maharajan

Special Government Pleader for R1



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: Mrs.M.Aasha
Government Advocate (Crl.side) for R2
: Mr.Henri Tiphague
for Defacto complainant
: Mr.R.Anandharaj
for Mr.Arumugam for victim
: Mr.R.Karunanidhi
for Mr.R.Karthikeyan for victim

ORDER

This writ petition has been filed challenging the refusal check slip issued by the first respondent dated 27.01.2025, thereby refused to register the sale deed, which was presented by the petitioner in respect of the subject property, on the ground that objection raised by the second respondent, in pursuant to the F.I.R in Crime No.6 of 2023, registered for the offence under Sections 420, 406, 120(b) I.P.C and Section 5 of TNPID Act.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The subject property belonged to “Shanthi Multi Speciality Hospital Private Limited” (herein after called as “company”). It is a registered company. The company had purchased the subject property by the registered sale deed dated 20.11.2015 vide document No.7547/2015. In turn, the company intended to sell the same in favour of the petitioner and received part of sale consideration to the tune of Rs.3,90,00,000/- (Rupees Three Crores Ninety Lakhs only) and entered into an agreement for sale on 25.07.2023. The agreement for sale was presented for registration and registered vide document No.3221/2023 on the file of the first respondent. Thereafter, the company had executed a sale deed in favour of the petitioner and presented the same for registration. However, it was refused by the first respondent on the ground that there is objection raised by the second respondent, in pursuant to the registration of F.I.R in Crime No.6 of 2023, registered for the offence under Sections 420, 406, 120(b) I.P.C and Section 5 of TNPID Act.

4. The second respondent alleged that the petitioner's vendor had received deposits from various persons to the tune of Rs.4,50,00,000/-



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(Rupees Four Crores and Fifty Lakhs only) and cheated them. On the complaint received from the victims, the second respondent registered the F.I.R in Crime No.6 of 2023, registered for the offence under Sections 420, 406, 120(b) I.P.C and Section 5 of TNPID Act, in which the petitioner's vendor as one of the accused.

5. The learned counsel for the petitioner would submit that at the time of agreement for sale, the petitioner had paid a sum of Rs. 3,90,00,000/- (Rupees Three Crores Ninety Lakhs only). Thereafter, the sale deed was executed and the petitioner agreed to settle the entire balance sale consideration in favour of credit for the development of the company for construction of building and settled other creditors.

6. The learned counsel for the defacto complainant as well as the victims appeared before this Court and represented that they had deposited huge amount with the vendor of the petitioner and they were cheated by non returning of matured amount, therefore, objected the sale of the subject property.



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7. The learned Government Advocate (Crl.side) appearing for the second respondent would submit that in pursuant to the registration of F.I.R, the subject property is identified for attaching the same. After identifying the subject property, a proposal has been sent to the competent authority to take appropriate steps to attach the subject property. There are several victims and had deposited nearly about Rupees Seven Crores. Therefore, if the accused is permitted to sell the property, they could not be able to release the deposit amount, which were deposited by the victims, under the TNPID Act. There is a procedure initially to attach the property belongs to the accused and the said attachment has to be made absolute by the concerned Court, only thereafter, the said property can be brought for auction sale, to release the amount to be disbursed in favour of the victims. Therefore, the petitioner may be allowed to purchase the property on condition that the remaining sale consideration to be deposited to the credit of Crime No.6 of 2023.



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8. The learned counsel for the petitioner also agreed for the same and the petitioner is ready and willing to deposit the balance sale consideration to the tune of Rs.6,20,00,000/- (Rupees Six Crores Twenty Lakhs only) to the credit of the crime number, in order to settle the same in favour of the victims.

9. In view of the above, the impugned refusal check slip cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner shall deposit the balance sale consideration to the tune of Rs.6,20,00,000/- (Rupees Six Crores Twenty Lakhs only) to the credit of Crime No.6 of 2023 on the file of the Special Court, TNPID Court, Madurai and on production of deposit receipt and on presentation of sale deed for registration along with deposit receipt, the first respondent is directed to register and release the same forthwith, if it is otherwise in order.

10. It is made clear that the deposited amount to be disbursed, on verification of all documents by the competent authority under the



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TNPID Act and in accordance with law to the victims. After registration of sale deed in favour of the petitioner, the second respondent or any other victims shall not interfere with the subject property purchased by the petitioner.

11. With the above observation, this Writ Petition stands allowed.

No costs.

29.01.2025

Index : Yes / No

NCC : Yes / No

LS

Note: Issue order copy on 30.01.2025

TO:-

1. The Sub-Registrar
O/o, District Registrar Office,
11, Palace Road, Madurai.
2. The Deputy Superintendent of Police, (EOW),
Office of Commissioner of Police,
Alagar Kovil Main Road,
K.Pudur, Madurai.



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
29.01.2025