



W.P.(MD)No.6565 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.6565 of 2025

Logeshmuthu

... Petitioner

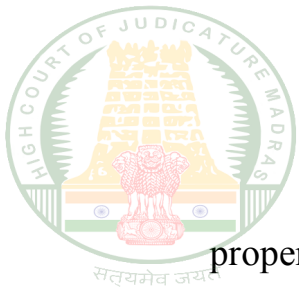
VS.

1.The Sub Registrar,
No.1, Joint Sub Registrar Office,
Virudhunagar,
Virudhunagar District.

2.The Inspector of Police,
Economic Offences Wing,
Dindigul District.
*(R2 is suo motu impleaded vide
order dated 12.03.2025)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the respondent issued with an impugned refusal check slip vide in the proceedings in No. RFL/1 No. Joint Sub Registrar, Virudhunagar/3/2025 dated 26.02.2025 and quash the same as illegal arbitrary and consequently directing the respondent to register and release the petitioner sale deed in regard to the petitioner's house



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property in Survey No.101/5A1A1, Patta No.161, Plot No.31 to an extent of 1344 sq.ft situated at Sri Balaji Nagar, Alagapuri, Virudhunagar District within the time limit that may be stipulated by this Court.

For Petitioner :Mr.K.Sankar

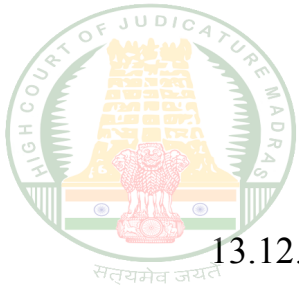
For R1 :Mr.R.Suresh Kumar
Additional Government Pleader

For R2 : Mr.M.Karunanithi
Government Advocate

ORDER

This writ petition has been filed to call for the records of the first respondent in the proceedings in No.RFL/1 No.Joint Sub Registrar, Virudhunagar/3/2025 dated 26.02.2025, to quash the same as illegal, arbitrary and consequently, to direct the first respondent to register and release the petitioner's sale deed with regard to the petitioner's house property in S.No.101/5A1A1, Patta No.161, Plot No.31, to an extent of 1344 sq.ft, situated at Sri Balaji Nagar, Alagapuri, Virudhunagar District.

2.The case of the petitioner is that he had purchased the property situated at Plot No.31 in S.No.101/5A1A1 at Sri Balaji Nagar, Alagapuri, Virudhunagar District, from one Nagajothi, W/o.Balavignesh on



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13.12.2022. The sale is evidenced by a registered document on the file of the first respondent in Doc.No.4754 of 2022. On the strength of the purchase, the petitioner mutated the revenue records in his favour and had also put up a construction over the same.

3.The petitioner states that one Nagarajan, S/o. Chinnapandi, approached him for purchasing the aforesaid property. The petitioner agreed to alienate the same and also executed a sale deed on 26.02.2025. When the same was presented for registration, the impugned refusal check slip was issued on the ground that the petitioner has to get a 'No Objection Certificate' (NOC) from the second respondent. Hence, this writ petition.

4.When the matter came up for admission, I requested Mr.M.Karunanithi to take notice for the second respondent and I adjourned the matter. Today, the second respondent has filed a counter affidavit and I took up the writ petition for final disposal.

5.I heard Mr.K.Sankar for the petitioner, Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent and

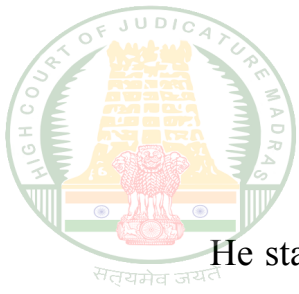


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Mr.M.Karunanithi, learned Government Advocate for the second respondent.

6.According to Mr.Sankar, the petitioner's vendor's mother, Muthumari had settled the property in favour of her daughter, Nagajothi by way of a registered settlement deed in Doc.No.3290 of 2021 dated 15.09.2021. Soon thereafter, the property had been alienated in favour of the writ petitioner. He states that the petitioner has nothing to do with Nagajothi's or her mother, Muthumari's business dealings. He pleads that the letter issued by the second respondent to the first respondent is illegal and that the police cannot issue letters, restraining the first respondent from registering documents with respect to alienation of the property.

7.Mr.Karunanithi, on referring to the counter affidavit filed by the second respondent, urges that the transaction between Muthumari to Nagajothi and Nagajothi to the writ petitioner, Logeshmuthu is not in dispute. However, he adds that Muthumari is an accused in Crime No.5 of 2023 registered for the offences under Section 120(b), 406, 420 IPC and Section 5 of TNPID Act on the file of the second respondent police.



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He states that the vendor of the petitioner, Nagajothi and the husband of Muthumari, Subramanian are also accused in the said criminal proceedings.

8.He pleads that the accused were running a finance business under the name and style of 'Arrusha Gold and Diamond Jewellery' and also a chit fund. They had collected several deposits from the public to the tune of Rs.123,54,21,923/- and did not return the same. Hence, it resulted in lodging of the complaint. Mr.Karunanithi further urges that in order to prevent further registration of the properties, which belongs to the accused, the Inspector of Police had sent a letter to the District Registrar, Virudhunagar, not to register any documents.

9.Mr.Karunanithi relies upon the order of this Court in ***Shanmuganathan and another Vs. The Joint Sub Registrar, Aruppukottai and another, W.P.(MD) No.16603 of 2024, dated 28.01.2025*** to press home this point.

10.I have carefully considered the submissions of both sides. I have gone through the records.



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11.In order to invoke the power under Section 22B(3) of the Registration Act, 1908, there should be an order passed by the competent authority under a Central or a State Act or an order of attachment should have been passed by a Court or Tribunal. The police are not empowered under any of the legislation to attach an asset by way of a letter.

12.This Court has consistently held that the police do not have the power to restrain a Sub Registrar from receiving documents by writing letters. This position has been laid down in the following cases:-

“(i) R.Madhupriya and another Vs. Inspector General of Registration and another, 2020 SCC OnLine Madras 20112,

(ii) K.Arasu and others Vs. The Sub Registrar, Perunthurai, Erode District and another in W.P.No.30874 of 2018 dated 28.04.2022 and

(iii) Subramani Vs. Sub Registrar, Rasipuram and another, (2024) 3 MLJ 588.”

13.Though the power is available to the police in terms of Criminal Law (Amendment) Ordinance of 1944 and Tamil Nadu



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Protection of Interests of Depositors (In Financial Establishments) Act,

1997, to move the Courts and obtain orders of attachment, they seldom follow that route to prevent alienation. Justice N.ANAND VENKATESH in *Madhupriya's case* clearly held that there cannot be a direction by the police to the Registration Department not to register documents. He had further observed that in case, the police wants to prevent a property from being alienated, which they consider as proceeds of crime, then they have to approach the Court or the competent authority for the purpose of securing orders of attachment. It is only in such circumstances that the Sub Registrar is bound to take note of the orders of attachment passed by the competent authority/Court/Tribunal and refuse registration.

14.Insofar as the judgment in *Shanmuganathan and another Vs. The Joint Sub Registrar, Aruppukottai and another, W.P.(MD) No. 16603 of 2024, dated 28.01.2025* is concerned, the learned Judge did not go into the issue as to whether the police have the power to issue letters and thereby, restrain the Sub Registrar from registering the documents. This issue has been specifically dealt with by the 3 cases set forth earlier in the earlier part of this order.



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15. In the light of the above discussion, I am not in a position to sustain the impugned order. Hence, the Writ Petition stands allowed. There shall be a direction to the first respondent to register the document presented by the writ petitioner in favour of Nagarajan on 26.02.2025 within a period of two weeks from the date of receipt of a copy of this order. This order will not stand in the way of the police to move the TNPID Court and secure orders of attachment in the pending O.A.No.7 of 2025. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

26.03.2025

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To

1. The Sub Registrar,
No.1, Joint Sub Registrar Office,
Virudhunagar,
Virudhunagar District.

2. The Inspector of Police,
Economic Offences Wing,
Dindigul District.

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V. LAKSHMINARAYANAN, J.

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