



W.P(MD)No.7035 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7035 of 2025

Prabhu

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

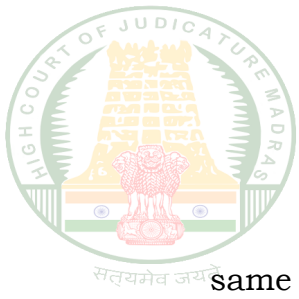
2.The District Registrar (Admin),
O/o District Registrar Thanjavur,
Thanjavur.

3.The Sub Registrar,
O/o Sub Registrar Vallam,
Vallam Village,
Thanjavur.

4.The Inspector of Police (HQ),
DVAC Chennai,
No.293, M.K.N. Road,
Alandur, Chennai – 600 016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records leading to the issuance of the impugned Refusal Check Slip issued by the 3rd respondent herein vide Refusal No. RFL/Vallam_Thanjavur/162/2024 dated 18.12.2024 and quash the



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same and consequently direct the 3rd respondent herein to register the settlement deed presented by the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Tamil Vanan

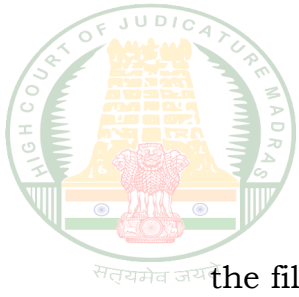
For Respondents : Mr.R.Sureshkumar
Addl. Govt. Pleader
(for R1 to R3)

Mr.M.Karunanithi
Govt. Advocate (for R4)

ORDER

This writ petition is filed to quash the impugned Refusal Check Slip issued by the third respondent vide Refusal No. RFL/Vallam_Thanjavur/162/2024 dated 18.12.2024 and to direct the third respondent to register the settlement deed presented by the petitioner within the stipulated time.

2. The case of the petitioner is that he is the absolute owner of the property measuring an extent of 4.37 1/4 acres comprised in S.Nos. 16/6, 23/1, 23/2, 23/3A, 24/1, 24/2, 24/3, 24/4 situated at Vallam Pudhur Sethi Monnyampatty Village, Thanjavur Taluk and District. He claims to have purchased the property from one Shezhiyan by way of a registered document in Doc. No.1424/2009 on



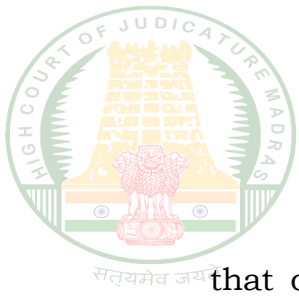
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the file of the Sub Registrar, Vallam. After obtaining prior permission, he laid the property out into plots. He decided to settle the plot Nos.34 to 63 in favour of his brother. Accordingly, a settlement deed was prepared on 18.12.2024, and the same was presented for registration. The third respondent issued the impugned refusal check slip on the ground that the subject matter property is covered by a letter issued by the Director of Vigilance and Anti-Corruption. In addition, he called upon the petitioner to produce the original document relating to the aforesaid property. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. Considering the fact that the affidavit discloses that the property is the subject matter of the Vigilance and Anti-Corruption enquiry, I directed Mr.R.Sureshkumar, learned Additional Government Pleader, to take notice for the respondents 1 to 3 and Mr.M.Karunanithi, learned Government Advocate, to take notice for the fourth respondent and to get instructions. I posted the matter today for the respondents to give instructions and for hearing.

4. Mr.R. Sureshkumar reports that on account of a letter sent by the Director of Vigilance and Anti-Corruption, the third respondent decided not to proceed further with the registration. He points out

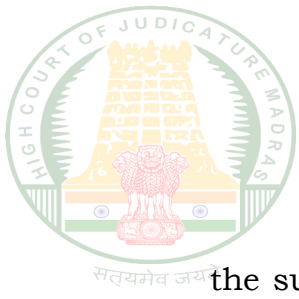


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that on 07.11.2024, the District Registrar (Admin) had informed all the Sub Registrars in Thanjavur, including the third respondent, that Mr.R. Vaithialingam is being enquired by the Directorate of Vigilance and Anti-Corruption, and therefore, the Sub Registrars in Thanjavur should send the certified copy of the documents standing in the name of the said individual to the office of the second respondent. Hence, the third respondent had refused to register the same.

5. Mr.M.Karunanithi has produced written instructions from the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Thanjavur, dated 27.03.2025. In the said instructions, it is stated that the Director of Vigilance and Anti-Corruption had sent a requisition letter to the District Registrar, Thanjavur, to furnish the certified copies of the documents, if any, registered in the name of the accused and his family members during the check period, i.e., 16.05.2011 to 31.03.2016. It is further stated that the Director of Vigilance and Anti-Corruption was informed about the property details by the District Registrar, Thanjavur, enclosing certified copies of the documents on 29.11.2024. The instructions state that the purchase made by the writ petitioner is outside the check period. Therefore, no requisition had been sent to the Registration Department seeking to restrain the registration of the property that is



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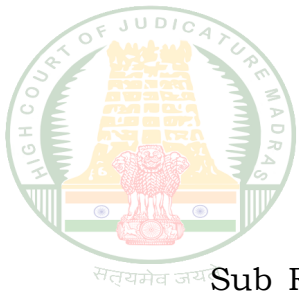
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the subject matter of the writ petition. The Deputy Superintendent of Police further instructed that he has no objection for alienation of the property that is the subject matter of this case.

6. I have carefully considered the submissions of Mr.A.Tamilvanan for the petitioner, Mr.R.Sureshkumar, learned Additional Government Pleader, for the respondents 1 to 3, and Mr.M.Karunanithi, learned Government Advocate, for the fourth respondent.

7. It is not in dispute that the petitioner had purchased the property in the year 2009, much before the registration of the case in Crime No. 5 of 2024 on the file of the Vigilance and Anti-Corruption Department, Thanjavur. The purchase was made on 12.06.2009, and the check period is from 16.05.2011 to 31.03.2016.

8. The police, including the Department of Vigilance and Anti-Corruption, are not empowered by law to issue letters restraining the registration of the document. They have to approach the jurisdictional court or tribunal or competent authority under the relevant State or Central statute and obtain the orders for attachment. Therefore, the police cannot issue a letter or communication to the



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Sub Registrar not to register a document. This position of law has been settled by the judgment of this court in ***R.Madhupriya vs. Inspector General of Registration, 2020 SCC Online Madras 20112.***

9. The Department of Vigilance and Anti-Corruption, at no point of time, called upon the third respondent not to register the document pertaining to the writ petitioner, who is the second accused in Crime No. 5 of 2024. It merely asked for details of the documents standing in the name of the accused. Therefore, the second reason given in the refusal check slip necessarily has to be interfered with.

10. Insofar as the first reason is concerned, the third respondent has demanded the production of the parent document of the property. A Division Bench of this court in ***P.Pappu Vs. Sub Registrar, Rasipuram [2024 (5) CTC 575]***, has concluded that there is no necessity to produce the original of the parent deed at the time of registration. The view taken by the Division Bench in ***Pappu's case*** found acceptance by the Supreme Court, with the dismissal of the special leave petition, preferred by the State against the order of the Division Bench.



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11. In the light of the above discussion, the impugned refusal check slip in Refusal No. RFL/Vallam_Thanjavur/162/2024 dated 18.12.2024 on the file of the third respondent is quashed. The writ petition is allowed. There shall be a direction to the third respondent/Sub Registrar to register the settlement deed presented by the petitioner. The said exercise shall be completed within a period of two weeks from the date of uploading of this order. No costs.

27.03.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn
To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
- 2.The District Registrar (Admin),
O/o District Registrar Thanjavur,
Thanjavur.
- 3.The Sub Registrar,
O/o Sub Registrar Vallam,
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V.LAKSHMINARAYANAN, J.

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