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W.P.(MD)No.10104 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10104 of 2025

Jaiganesh

... Petitioner

Vs.

1.The Sub Registrar, O/o.Sub Registrar Office,
Melur East, Madurai District.

2.The Inspector of Police,
EOW, Mannarpuram, Trichy

... Respondents

(R2 is suo motu impleaded vide
order dated 26.06.2025)

Prayer: Writ petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus to direct the respondent to receive the
document dated 22.03.2025 executed by the petitioner styled as sale
deed and to register the same.

For Petitioner : Mr.P.Surliraja

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate for R1

Mr.Albert James for R2
Government Advocate

**ORDER**

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Heard both sides.

2.The petitioner wants to sell the petition-mentioned property.

When the document was presented for registration, the registering authority declined to accept the same on the ground that objection has been received from the second respondent.

3.The issue raised in the writ petition is no longer res integra.

My attention is drawn to the order dated 23.09.2020 passed by me in W.P.(MD)No.9574 of 2020. It is was disposed of in the following terms:-

“4.The learned counsel appearing for the petitioner states that the first respondent has no legal authority to issue the impugned communication. He also points out that only through the Court of law, an attachment can be made. In the case of the assets pertaining to TNPID Act, the Government will have to issue G.O. for attaching the properties and the same will have to be either set aside or made absolute by the Special Court. In the case on hand, the investigation officer on his own had proceeded to effect attachment of the property. The learned counsel also points out that the case on hand is squarely covered by the order dated 09.07.2015 made in W.P.(MD)No.11221 of 2015.



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5.I carefully went through the aforesaid order. The learned Judge in the said decision held as follows:-

“.....12.This Court is in complete agreement with the law laid down by the Full Bench of the Bombay High Court and the Kerala High Court with regard to the power of the police officer to seize immovable properties under Section 102, Cr.P.C. The Deputy Superintendent of Police, by couching the impugned communication in a camouflaged language, is in fact, indirectly attaching the properties of the accused via the backdoor, which is not permissible. If the Deputy Superintendent of Police is desirous of safeguarding the interest of the depositors, he should have immediately taken steps to send a report to the Government for initiating action under Section 3 of the Criminal Law Amendment Ordinance and not through such a subterfuge.

13.The order impugned is indeed arbitrary exercise of power and is therefore, violative of Article-14 of the Constitution of India. It is always open to the Investigating Officer to call for information from the Sub-Registrar about the property holdings of an accused. He can also ask the SubRegistrar to inform him, if any transaction concerning the properties of the accused, is registered.



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He cannot prohibit the Registrar from registering a document...”

6. Respectfully following the aforesaid decision, the order impugned in the writ petition is quashed and the second respondent is directed to register the petition mentioned document. The writ petition is allowed.....”

4. The earliest order passed by the Madras High Court was in W.P.(MD)No.11221 of 2015 dated 09.07.2015. The said order has been followed in quite a few writ petitions.

5. In this view of the matter, the petitioner is permitted to re-present the petition mentioned document. The same will be received, registered and released subject to fulfillment of other usual formalities. It is open to the second respondent to move the Government for taking appropriate steps in accordance with law. This writ petition is allowed. No costs. Connected miscellaneous petition is closed.

15.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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- To:**
- 1.The Sub Registrar, O/o.Sub Registrar Office,
Melur East, Madurai District.
 - 2.The Inspector of Police,
EOW, Mannarpuram, Trichy.



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G.R.SWAMINATHAN, J.

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