



W.P(MD)No.11653 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.11653 of 2025

Vanichandra

... Petitioner

Vs.

1.The Sub Register,
Sub Register Office,
Thiruthangal,
Virudhunagar District.

2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.

3.The Branch Head,
Axis Bank Limited,
Retail Asset Centre,
Pattu Arcade,
Bye Pass Road, Ram Nagar,
Madurai-626 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the encumbrance in respect of property bearing Document No. 2153 of 2017 in Survey Nos.1777/5, 1777/5A on the file of the first respondent by consider the petitioner's representation, dated 17.03.2025 and pass such further or other orders as this Court.



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W.P(MD)No.11653 of 2025

For Petitioner : Mr.A.Uthaya Kumar
For R-1 : Mr.P.T.Thiraviyam
Government Advocate
For R-2 : Mr.S.Prakash
Government Advocate
for Mr.M.Karunanithi

ORDER

The petitioner seeks for the following relief:-

"Writ of Mandamus, directing the respondents to remove the encumbrance in respect of property bearing Document No.2153 of 2017 in Survey Nos.1777/5, 1777/5A on the file of the first respondent by consider the petitioner's representation, dated 17.03.2025.

2. The petitioner states that she purchased the property at S.No. 1777/5 at Theelthiruthangal Village, Virudhunagar District by way of a registered sale deed, dated 03.08.2017. The said sale deed was registered in document No.2153 of 2017. The petitioner borrowed amounts from the Axis Bank, Sivakasi Branch and created a mortgage over the same. Subsequently, she had paid the entire amount to the Bank and requested the Bank to cancel the mortgage. At that time, it came to her knowledge that the second respondent police had informed the Sub Registrar not to receive any documents from the petitioner as her husband is an accused in Crime



W.P(MD)No.11653 of 2025

WEB COPY

No.9 of 2021 on the file of the second respondent police. Consequently, the Sub Registrar also made an entry in the register maintained made by him regarding the objections made by the police. The petitioner made a representation on 26.09.2022 to remove the encumbrance. As the same was not considered, this was followed up with another representation, dated 17.03.2025. As both the representations did not bear fruit, the petitioner has come forward with the present writ petition.

3. I heard Mr.A.Uthaya Kumar for the petitioner and Mr.P.T.Thiraviyam for the first respondent and Mr.S.Prakash for Mr.M.Karunanithi for the second respondent.

4. The position of law has been settled by a judgment of this Court in ***Madhupriya Vs. Inspector General of Registration*** reported in **2020 SCC Online Madras 20112**. In the said judgment, the **Hon'ble Mr.Justice N.ANAND VENKATESH** has held that the police authorities are not entitled to pass orders in the nature of injunction restraining the Sub Registrar from entertaining any document for registration. He made it clear incase, the police authorities feel that a property must not be alienated or protected as is a proceeds of crime, they are entitled to approach the jurisdictional Court or Tribunal and obtain appropriate orders of attachment. Respectfully,



W.P(MD)No.11653 of 2025

WEB COPY

following the view taken by the learned Single Judge, there shall be a direction to the first respondent to entertain documents presented by the writ petitioner, dehors the objections that have been given by the second respondent. To make it clear, the letter issued by the second respondent will not stand in the way of the petitioner to present any document of alienation or the like.

5. This writ petition stands ordered with the above terms. There shall be no order as to costs.

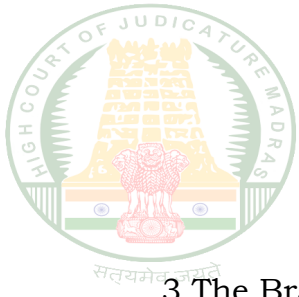
24.04.2025

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

To

1.The Sub Register,
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Virudhunagar District.

2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.



W.P(MD)No.11653 of 2025

3.The Branch Head,
Axis Bank Limited,
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W.P(MD)No.11653 of 2025

V.LAKSHMINARAYANAN, J.

BTR

W.P(MD)No.11653 of 2025

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