



W.P.(MD)No.16603 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.01.2025

CORAM:

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

W.P.(MD)No.16603 of 2024

1. Shanmuganathan

2. Arunachallam

... Petitioners

/Vs./

1. The Joint Sub Registrar
Aruppukottai,
Aruppukottai Taluk,
Virudhunagar District

2. The Inspector of Police
Economic Offence Wing,
Virudhunagar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the first respondent vide Refusal Number.RFL/Aruppukottai/24/2024 dated 13.07.2024 and quash the same as illegal and consequently direct the 1st respondent to register the sale deed vide TP 187733915/2024 dated 05.07.2024.

For Petitioner : Mr.G.Mariappan

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1



W.P.(MD)No.16603 of 2024

WEB COPY

: Mrs.M.Aasha

Government Advocate(Crl.side) for R2

ORDER

The Writ Petition has been filed challenging the refusal check slip issued by the first respondent 13.07.2024, thereby refused to register the sale deed, which was presented for registration on the ground that the subject property is involved in Crime proceedings.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3.The first petitioner was appointed as power of attorney on 18.02.2023 registered vide document No.1068/2023, to deal with the subject property. Further, the second petitioner had purchased a portion of the property to an extent of 1 Acre 98 ½ cents from one Muthumari registered vide document No.173/2022 dated 10.01.2022. In turn, both had executed sale deed in favour one Madhavan, dated 05.07.2024 and



W.P.(MD)No.16603 of 2024

WEB COPY

presented for registration. However, the first respondent refused to register the same on the objection raised by the second respondent.

4. The learned counsel for the petitioners would submit that sofar, the subject property is not under any attachment by the second respondent. Mere objections raised by the second respondent cannot be the reason for refusal to register the sale deed, which was presented for registration by the petitioner. However, the petitioners are not an accused in any crime, they are nothing to do with the alleged allegations made as against the petitioner's vendor and the principal.

5. The subject property was purchased by one Muthumari in the year 2021 by a registered sale deed dated 17.02.2021. Her husband and others are partners of Future Generation Capital Private Limited and they are dealing of business. Subsequently, in the year 2022, their sister stated a concern, viz., Arisha Gold and Diamond Jewellery and they collected deposits from the general public under various schemes. They had collected deposits from 2500 depositors to the tune of Rupees more than One Hundred and Twenty Crores. However, the depositors were not paid



W.P.(MD)No.16603 of 2024

WEB COPY

even after maturity and one of the depositors lodged a complaint before the Inspector of Police, District Crime Branch, Virudhunagar and the same got registered in Crime No.103/2023. Subsequently, it was transferred to the file of the second respondent and registered as Crime No.5 of 2023 and it is pending on the file of the second respondent for investigation. There are totally 12 Companies and 32 accused, in which, the petitioners principal vendor, viz., one Muthumari is arrayed as A12. Admittedly, the said Muthumari purchased only in the year 2021, whereas, the period of crime even in the year 2021. Therefore, the subject property was purchased from the crime proceeds and the second respondent is now identified the subject property for attaching the same and to proceed as against the property, in order to settle the Depositors.

6. It is also evident that immediately they are started sister concern, in the name and style of Arisha Gold and Diamond Jewellery and collected huge amount from the general public. The petitioners' vendor Muthumari's is arrayed as A12 and her husband is also arrayed as A8. Therefore, the second respondent has sent a proposal to attach the subject property.



W.P.(MD)No.16603 of 2024

WEB COPY

7. In view of the above, the second respondent submitted objections before the first respondent not to register any document in respect of the subject property. Therefore, the first respondent rightly refused the same and this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merit and the same is liable to be dismissed.

8. Accordingly, this Writ Petition stands dismissed. No costs.

Index : Yes / No
NCC : Yes / No
LS

28.01.2025

TO:-

1. The Joint Sub Registrar
Aruppukottai,
Aruppukottai Taluk,
Virudhunagar District



WEB COPY



W.P.(MD)No.16603 of 2024

G.K.ILANTHIRAIYAN, J.

LS

2. The Inspector of Police
Economic Offence Wing,
Virudhunagar

Order made in
W.P.(MD)No.16603 of 2024

Dated:
28.01.2025
(2/2)