



W.A.(MD)No.1330 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1330 of 2022

and

C.M.P(MD)No.10422 of 2022

S.Ramesh

... Appellant /
Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Kumbakonam,
Thanjavur District.

2.The Sub Registrar,
Papanasam,
Thanjavur District.

3.The Deputy Superintendent of Police,
Economic Offences Wing,
Trichy.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P(MD)No.22701 of 2022 dated 27.09.2022 and allow the writ petition as prayed for.



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For Appellant : Mr.S.Sathiaseelan

For Respondents : Mr.P.T.Thiraviyam
Government Advocate
for R.1 & R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.3

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The only question that calls for consideration is whether the Deputy Superintendent of Police, EOW, Trichy is competent to send a communication to the registering authority calling upon him not to register any document that may be presented by the writ petitioner herein. The learned single Judge declined to interfere with the said communication and dismissed W.P(MD)No.22701 of 2022 filed by the petitioner herein. Questioning the same, this Writ Appeal has been filed.

3.The issue raised in this Writ Appeal is no longer *res integra*. A learned Judge of this Court vide order dated 09.07.2015 in W.P(MD)No. 11221 of 2015 held as follows:



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“.....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.”

The authority under the Registration Act can be restrained only in the manner laid down in the said statute. The said Act does not clothe the third respondent with any power to issue any restraint order against the registering authority.

4.We are therefore of the view that the order impugned in this Writ Appeal is liable to be set aside. Accordingly it is set aside. The order passed by the learned single Judge is also set aside.



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5.This Writ Appeal is allowed. We, however, make it clear that if

any subsequent GO has been passed attaching the property of the petitioner, this order allowing the Writ Appeal will not come to the petitioner's rescue. The appellant / writ petitioner will have to work out his rights independently. It is open to the appellant to re-present the document and it shall be dealt with in the manner known to law.

6.This Writ Appeal is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
05.03.2025

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

To

1.The District Registrar,
O/o.The District Registrar,
Kumbakonam,
Thanjavur District.

2.The Sub Registrar,
Papanasam,
Thanjavur District.



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3.The Deputy Superintendent of Police,
Economic Offences Wing,
Trichy.

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G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

MGA

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