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W.P.(MD)NO.30606 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.30606 of 2025

Mariyam Beevi

... Petitioner

Vs.

1.The District Collector,
Office of the District Registrar,
Thanjavur District.

2.The Sub Registrar,
Ayyampettai Sub Registration Office,
Ayyampettai, Thanjavur District.

3.The Inspector of Police,
EOW, Thanjavur.

... Respondents

(R3 suo motu impleaded vide
order dated 28.10.2025)

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings issued by the second respondent vide Na.ka.No. 99 of 2025 dated 02.07.2025 and quash the same as illegal and unconstitutional and consequently direct the second respondent to register the sale deed presented by the petitioner dated 20.06.2025 within the time stipulated by this court.



For Petitioner : Mr.V.Malaiyendran
For Respondents : Mr.M.Senthil Ayyanar,
Government Advocate for R1 and R2

Mr.A.Albert James,
Government Advocate (Crl.side) for R3

* * *

ORDER

Heard both sides.

2.The petition-mentioned property belonged to one Musthafa. Musthafa was implicated in a criminal case in Crime No.3 of 2023 registered on the file of the Inspector of Police, EOW, Thanjavur District. Apprehending that he will face prosecution under TNPID Act, Musthafa gifted the property in favour of his sister Mariyam Beevi on 31.01.2022. It was registered as Document No.128 of 2022. Subsequently, Mariyam Beevi executed sale deed dated 20.06.2025 in favour of Janathul Ashma. Registration was refused citing the communication received from the third respondent police. Challenging the same, this writ petition has been filed.



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

It has been held time and again that police do not have power to restrain the jurisdictional Sub Registrar from receiving any document for registration. Paragraph 12 to 14 of the order dated 26.03.2025 made in WP(MD)No.6565 of 2025 read as follows :

“12.This Court has consistently held that the police do not have the power to restrain a Sub Registrar from receiving documents by writing letters. This position has been laid down in the following cases:-

“(i) R.Madhupriya and another Vs. Inspector General of Registration and another, 2020 SCC OnLine Madras 20112,
(ii) K.Arasu and others Vs. The Sub Registrar, Perunthurai, Erode District and another in W.P.No.30874 of 2018 dated 28.04.2022 and
(iii) Subramani Vs. Sub Registrar, Rasipuram and another, (2024) 3 MLJ 588.”

13.Though the power is available to the police in terms of Criminal Law (Amendment) Ordinance of 1944 and Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, to move the Courts and obtain orders of attachment, they seldom follow that route to prevent alienation. Justice N.ANAND VENKATESH in Madhupriya's case clearly held that there cannot be a direction by the police to the Registration Department not to register documents. He had further observed that in case,



the police wants to prevent a property from being alienated, which they consider as proceeds of crime, then they have to approach the Court or the competent authority for the purpose of securing orders of attachment. It is only in such circumstances that the Sub Registrar is bound to take note of the orders of attachment passed by the competent authority/Court/Tribunal and refuse registration.

14. Insofar as the judgment in Shanmuganathan and another Vs. The Joint Sub Registrar, Aruppukottai and another, W.P.(MD) No. 16603 of 2024, dated 28.01.2025 is concerned, the learned Judge did not go into the issue as to whether the police have the power to issue letters and thereby, restrain the Sub Registrar from registering the documents. This issue has been specifically dealt with by the 3 cases set forth earlier in the earlier part of this order.”

In this view of the matter, the impugned refusal check slip is quashed.

The document in question shall be received, registered and released subject to the fulfillment of the other usual formalities. This writ petition is allowed. No costs.

27.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
SKM

**To:**

- 1.The District Collector,
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Thanjavur District.
- 2.The Sub Registrar,
Ayyampettai Sub Registration Office,
Ayyampettai, Thanjavur District.
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