

W.A.(MD)No.42 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)No.42 of 2025

Hawa Bibi

... Appellant

Vs.

- 1.The State,
Rep. by Inspector of Police,
Economic Offence Wing,
Tanjore.
- 2.The Deputy Superintendent of Police,
Economic Offence Wing,
Tanjore.
- 3.The Sub Registrar Joint-IV,
Madurai South,
Madurai.
- 4.The Deputy Inspector General,
Department of Registration,
Coimbatore.
- 5.The Sub Registrar Joint-I,
Ooty District, Ooty.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.15838 of 2024, dated 19.11.2024.



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For Appellant :Mr.M.A.Murthuza Ali

For Respondents :Mr.R.Suresh Kumar for R3 to R5

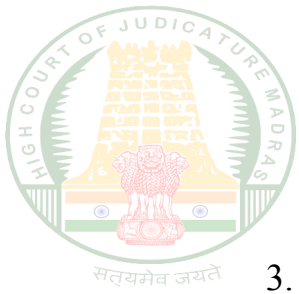
Mr.A.Albert James,
Government Advocate (Crl. Side)
For R1 and R2

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed by the writ petitioner against the order dated 19.11.2024 passed in W.P.(MD)No.15838 of 2024.

2. The Writ Petition was filed challenging the refusal check slip dated 02.05.2024 issued by the third respondent Sub Registrar, refusing to register the General Power of Attorney in Document No.P202 of 2023, dated 05.09.2023 in respect of properties purchased under various sale deeds in the years 2019 and 2023.



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3. The brief facts are that, the petitioner and her husband had purchased several properties under the registered sale deeds in Document Nos.8416 of 2023, 8417 of 2023, 1669 of 2019, 1670 of 2019, 1671 of 2019, 1672 of 2019 and 1673 of 2019. According to the petitioner in order to develop the said properties executed Power of Attorney in favour of one C.Raman and presented the same for registration on 05.09.2023, but the registering authority had refused to be register the document on the ground that the sale deeds were under attachment in Arbitral proceedings. But the claim of the petitioner is that the petitioner's husband is an accused in criminal case in Crime No.2 of 2023 and the petitioner is no way connected with the said crime. Moreover, the properties are purchased in the year 2019 and the criminal case was registered in the year 2023. Mere objection by the Police is not sufficient to prevent registration. Hence the writ petition was filed to set aside the refusal check slip. The Writ Court had held that on instructions, the Special Government Pleader had submitted that the properties are situated in Madurai and Ooty. The subject properties were identified for attachment, in view of FIR registered in Crime No.2 of 2023 for the offences under Sections 406 and 420 IPC read with Section 5 of TNPID Act. In another report dated 05.11.2024, the petitioner is also arrayed as accused in the said Crime No.2 of 2023. Further it is stated by the respondents that they received 314 complaints and the petitioner

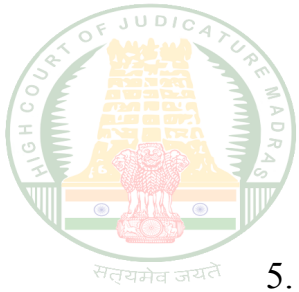


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and her husband with other accused had cheated more than 11 crores. Hence, the writ court has dismissed the writ petition. Aggrieved over the same, the present writ appeal is preferred by the writ petitioner.

4. The first contention of the appellant is that the refusal check slip will not fall under any of the categories mentioned under sections 21A and 21B of Registration Act read with Rule 162 of Registration Rules. This Court is of the considered opinion, when the criminal case is pending against the petitioner and her husband under Crime No.2 of 2023 initiated under TNPID Act, then the Registering Authority is absolutely right in refusing to register. When the refusal is based on pending criminal cases and attachment under TNPID Act then the petitioner cannot seek to register the power of attorney. If at all, the petitioner is aggrieved, the petitioner may seek lifting the attachment after paying the value of the property by invoking TNPID Act, however the appropriate forum is the TNPID Court. Therefore, the claim of the appellant to register the power of attorney is absolutely against the pending proceedings under TNPID Act, hence the claim of the appellant is illegal.



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5. Further, the appellant stated the Arbitral Tribunal has raised the attachment on 09.02.2024, but the Writ Court has misconstrued the same. It is seen that the Arbitration is between Sundaram Finance Limited and the writ appellant. But the TNPID proceedings is between the depositors and the writ appellant. Therefore, by relying on the proceedings of the Arbitral Tribunal, the writ appellant cannot claim to raise the attachment made under TNPID Act. Therefore, this Court is of the considered opinion that the appellant without approaching the appropriate court, is seeking relief under Article 226 hence, this writ petition is liable to be dismissed. The writ Court has rightly dismissed the writ petition and it need no interference.

6. For the reasons stated supra, the writ appeal is dismissed. No costs.

[J.N.B., J.] [S.S.Y., J.]

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To:

1.The Inspector of Police,

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