



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 14-08-2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.12271 of 2022**

Gopi Rajhaah, M.

... Petitioner

Vs.

1.The State Represented by  
Inspector of Police,  
CCB,  
Salem.

2.The District Registrar,  
Salem District.

3.The Sub Registrar,  
Salem,  
Yercaud.

4.Geee.Balaji  
[R-4 impleaded vide order of Court  
dated 20.03.2023 made inWMP No.21618 of  
2022 in WP No.12271 of 2022]

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India



for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent check slip dated 31.12.2021 and quash the same, consequently direct the third respondent to register the documents on presentation bearing Doc.No.134/19 in S.No.56/2B1B1A1A1.

For Petitioner : Mr.L.Chandrakumar for  
Ms.T.Surekha

For Respondents-1 to 3 : Mr.C.Jayaprakash,  
Government Advocate.

For Respondent-4 : Mr.R.Srinivasalu

### **ORDER**

The Refusal Check Slip dated 31.12.2021 passed by the third respondent, is sought to be quashed in the present writ petition.

2. The petitioner states that he is the absolute owner and is in possession and enjoyment of the subject property situated at Thalaicholai Village Panchayat, No.1, Sengadu Village, Yercaud Taluk, Salem District.

3. It is not in dispute that the criminal case was registered



against the writ petitioner in Crime No.5 of 2021 and the case is under investigation. A quash petition filed by the petitioner under Section 482 Cr.P.C., was dismissed by the High Court in Criminal Original Petition No.23940 of 2021 dated 27.06.2023. However, the pendency of the criminal case cannot stand in the way of the petitioner dealing with the property, unless such properties are attached by the Competent Court of Law in the manner contemplated.

4. Merely based on the letter sent by the Inspector of Police, the property cannot be attached nor the Sub-Registrar can refuse to register under the provisions of the Registration Act, 1908. The refusal for registration of a document is contemplated under Sections 22-A and 22-B of the Registration Act, 1908. However, the Inspector of Police by merely sending a letter to the Registering Authority, cannot prevent the owner from dealing with the property.

5. The pendency of the criminal case or the letter of the Inspector of Police, cannot be recognised for the purpose of refusal of registration under the provisions of the Registration Act, 1908. If at all, the



fourth respondent is aggrieved or the land given by the fourth respondent to the petitioner, is to be protected, the petitioner has to approach the Competent Civil Court of Law and only in the event of an order from the Competent Civil Court of Law, such registration can be prevented and not otherwise.

6. Therefore, the fourth respondent has to approach the Competent Civil Court of Law for the purpose of attaching the property or not to alienate the property during the pendency of the criminal case or till the money due to the fourth respondent has been realised, as the case may be.

7. Mere registration of a criminal case or a letter from the Inspector of Police stating about the criminal case, is not a bar for the Registering Authority to register the document, if any document has been presented by the petitioner, which is otherwise in consonance with the provisions of the Registration Act, 1908. Thus, the reasons stated in the Check Slip is not in consonance with the provisions of the Registration Act, 1908 and therefore, the impugned Check Slip issued by the third respondent



in proceedings dated 31.12.2021 is quashed.

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8. As far as the fourth respondent is concerned, he is at liberty to approach the Competent Civil Court of Law for the purpose of protecting his interest.

9. With the above observations, the present writ petition stands allowed. However, there shall be no order as to costs.

**14-08-2023**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To

1.The Inspector of Police,  
State,  
CCB,  
Salem.

2.The District Registrar,  
Salem District.

3.The Sub Registrar,

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**S.M.SUBRAMANIAM, J.**

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