



W.P.(MD)No.20763 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20763 of 2021
and
W.M.P.(MD).No.17384 of 2021

Mariyammal

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai South, Madurai.

2.M.Anandhi Shah

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, call for the records pertaining to the impugned order of the first respondent in Na.Ka.No.3529/A2/2020, dated 02.11.2021 and quash the same as illegal.

For Petitioner : Mr.M.Palani

For R-1 : Mr.A.K.Manikkam,
Special Government Pleader

For R-2 : Mr.Mohammed Imran,
for M/s.Ajmal Associates



W.P.(MD)No.20763 of 2021

WEB COPY

ORDER

This Writ Petition has been filed challenging the impugned order passed by the first respondent through proceedings in Na.Ka.No. 3529/A2/2020, dated 02.11.2021.

2. The case of the petitioner is that she had purchased the subject property through a registered sale deed dated 28.01.2020, registered on the file of the Joint Sub Registrar No.IV, Madurai South. The grievance of the petitioner is that the second respondent had filed an application before the first respondent on the ground that a fraudulent document has been executed in favour of the petitioner and based on the same, the impugned order was passed by the first respondent.

3. The main ground on which the petitioner has questioned the order passed by the first respondent is that the order was passed without affording an opportunity to the petitioner and thereby, it has adversely affected the right and title of the petitioner over the subject property. Accordingly, this Writ Petition has been filed before this Court.



W.P.(MD)No.20763 of 2021

4. Heard the learned counsel on either side.

5. In the considered view of this Court, the petitioner has an efficacious and alternative remedy of appeal before the Deputy Inspector General of Registration and the same has also been mentioned in the impugned order passed by the first respondent. However, the petitioner has attempted to maintain this Writ Petition on the ground that no notice was issued to the petitioner and that the impugned order suffers from violation of principles of natural justice.

6. On carefully going through the order, it is seen that the notice was in fact issued to the petitioner and the relevant portion in the order is extracted hereunder:

□மனுதாரர் திருமதி.ஆனந்தி ஷா
என்பவருக்கு 19.10.2020 நாளிட்ட கடிதத்தின்
வாயிலாக 30.11.2020 அன்று விசாரணைக்கு
ஆஜராகக் கோரி அறிவிப்பு அனுப்பப்பட்டது.
மனுதாரர் திருமதி.ஆனந்தி ஷா என்பவர் சார்பாக
அவரது வழக்கறிஞர் திரு.முகமது சுஹைல்
என்பவர் ஆஜராகி தங்கள் தரப்பு வாதத்தினை
எழுத்துப்பூர்வமாக சமர்ப்பித்தார்.
எதிர்மனுதாரர்களான திருமதி.ஆ.மாரியம்மாள்.



W.P.(MD)No.20763 of 2021

திரு.மு.அழகு, திரு.சு.விக்ரம் மற்றும் திரு.
மு.விஜய பிரகாஷ் ஆகியோருக்கு 01.12.2020
அன்று விசாரணைக்கு நாளிட்ட அறிவிப்பின் வழி
ஆஜராகக் கோரி அறிவிப்பு அனுப்பப்பட்டது.
எவரும் விசாரணைக்கு ஆஜராகாத நிலையில்.
எதிர்மனுதாரர்களில் 30.12.2020 நாளிட்ட கடிதவழி
21.01.2021 அன்று விசாரணைக்கு ஆஜராகக் கோரி
இறுதி அறிவிப்பு அனுப்பப்பட்டது. புகார்
தேதிய விசாரணைக்கு ஆஜராகவில்லை.
எதிர்மனுதாரர்களில் எவரும் 21.01.2021 தேதிய
விசாரணைக்கு ஆஜராகவில்லை.□

7. It is clear from the above that the notice was issued to the petitioner and in spite of the same, no one appeared during the enquiry. The enquiry was also adjourned more than two occasions to enable the petitioner to participate in the enquiry. In spite of the same, the petitioner had chosen not to participate in the enquiry. In the instant case, the allegation is that there was impersonation and the relevant video footage also showed that a different person had come and executed the document. It is in the light of this allegation, the complaint was given by the second respondent. Hence, the petitioner ought to have participated in the enquiry and established that there was no impersonation in this case. In the absence of the same, there was a silent witness by means of video footage



W.P.(MD)No.20763 of 2021

WEB COPY

that was available to the authority and that by itself formed the basis for passing the impugned order.

8. This Court finds that there is no violation of principles of natural justice, since the notice was served on the petitioner and she had chosen not to participate in the enquiry. Therefore, since an efficacious and alternative remedy is available by way of an appeal, this Writ Petition cannot be entertained.

9. In the result, this Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

24.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The District Registrar (Administration),
Madurai South, Madurai.



WEB COPY



W.P.(MD)No.20763 of 2021

N.ANAND VENKATESH, J

tsg

W.P.(MD)No.20763 of 2021

24.11.2023