

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.36466 of 2015 and
M.P.No.1 of 2015

Tmt.Sakunthala

... Petitioner

- Vs -

1. The District Registrar of Registration
Ariyalur District, Ariyalur.
2. The Sub-Registrar of Registration,
Jayamkondam Ariyalur
District.
3. A.Selvaraju ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus forbearing the first respondent from proceeding with the enquiry initiated in Na.Ka.A1/3543/2015 dated 06.10.2015 relating to cancellation of settlement deed in Document No.1022/2008.

For Petitioner : Mr.S.Kamadevan

For R1 and R2 : Mrs.P.Rajalakshmi
Govt. Advocate

ORDER

What is challenged in the writ petition is the enquiry notice issued on 16.10.2015 by respondent No.1 requiring the petitioner to appear for hearing with respect to the cancellation of settlement deed in document No.1022 of 2008.

2. The learned counsel for the petitioner submitted that there is no power that lies with the respondents to go into the issues of fact involved. The circular is under challenge before the Division Bench of this Court and there is an interim order. Therefore, the order impugned will have to be set aside.

3. The question as to whether the respondent No.1 has got jurisdiction or not is a matter to be decided by the said authority. Similarly, the effect of interim order granted by this Court is also a matter to be considered by the said authority. As of now, the circular has been upheld. Against which, the appellants have filed appeal which is pending before the Bench in which an interim order has been granted staying the initiation of the prosecution.

4. Therefore, this Court is not inclined to say on the issues raised leaving it open to respondent No.1 to consider the same. Law is quite settled that in the event of an authority having jurisdiction, no Court shall interfere with such functioning by issuing a writ in the nature of prohibition preventing the said authority from exercising power available in the manner known to law.

5. Thus, the course open to the petitioner is only to put forth his contentions to respondent No.I instead of rushing to this Court at this stage, as there is no finality that has been reached either on the question of law or on fact.

6. This Court is not inclined to entertain the writ petition giving liberty to the petitioner to raise all the contentions before respondent No.I in which case the said authority will have to decide them while passing appropriate final orders. It is made clear that this Court has not expressed anything either on merits or on law and everything is open to respondent No.I.

7. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.
Kua

Sd/-
Assistant Registrar (C.C.C.)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

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To

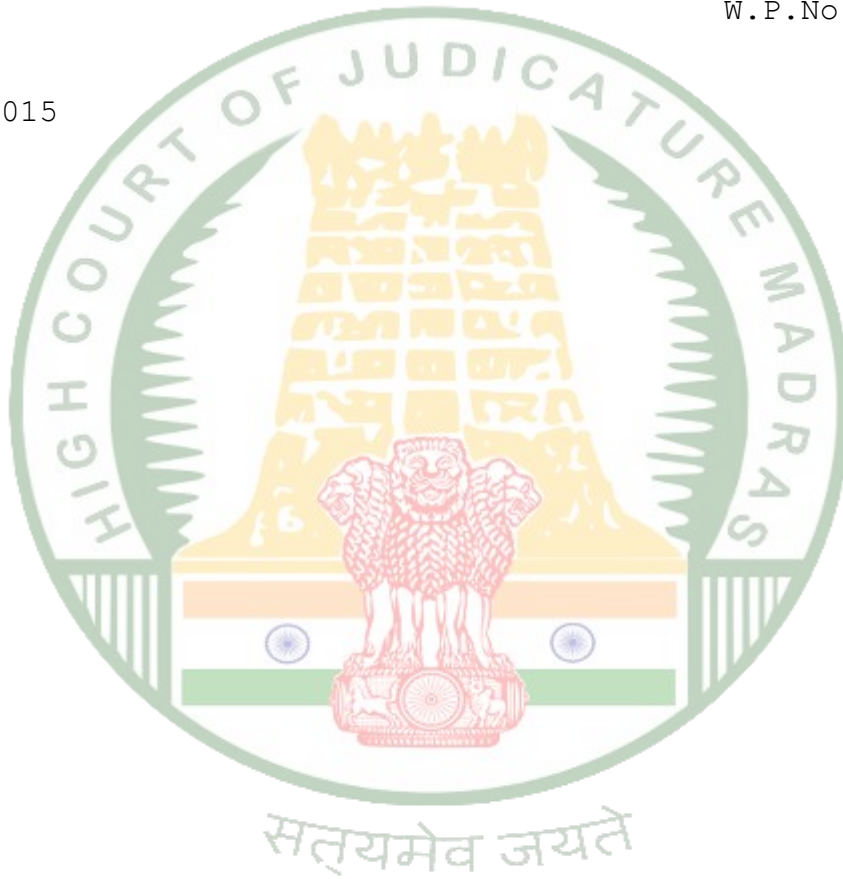
- 1 The District Registrar of Registration,
Ariyalur District, Ariyalur.
- 2 The Sub-Registrar of Registration,
Jayamkondam, Ariyalur District.

+1 C.C. To MR.S.KAMADEVAN, Advocate in SR.NO.61562

+1 C.C. To Government Pleader in SR.NO.61747

W.P.No.36466 of 2015

VGI(CO)
sd : 25/11/2015



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