

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37903 of 2015

ORDER:

Heard.

On the basis of a complaint received from the 4th respondent, the 3rd respondent issued impugned notice to the petitioner proposing to conduct enquiry under Sections 82 and 83 of the Registration Act, 1908 (for short 'the Act'). The said notice gives an opportunity to the petitioner to appear before the 3rd respondent alongwith documents and submit his claim together with oral statement. The said impugned notice is questioned in the writ petition on the ground that the 3rd respondent is proposing to conduct enquiry into the title and decide the title among the parties.

I am unable to see any basis for such contention. Mere issuance of impugned notice by the 3rd respondent to conduct enquiry under Sections 82 and 83 of the Act does not amount to enquiry into the title of any of the parties and whether the ingredients exist for taking action under Sections 82 and 83 of the Act, is a subject matter of the said enquiry. Hence, I am unable to accept the contention that the impugned notice amounts to conducting enquiry into the title, as claimed by the petitioner.

Since the registering authority has jurisdiction to take appropriate action under Sections 82 and 83 of the Act, on being satisfied with the existence of ingredients, it is open to the 3rd respondent to conduct enquiry and satisfy himself that such a course of action is warranted. The enquiry under Sections 82 and 83 is being limited, the same does not amount to adjudication of title. Hence, no reasons exist to entertain the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 23-11-2015

Prv

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