



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.11.2016

Coram

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)No.22959 of 2016

K.ANANTHI

. . . Petitioner

-Vs-

1 THE DISTRICT REGISTRAR
OFFICE OF DISTRICT REGISTRAR,
PALANI, DINDIGUL DISTRICT.

2 THE SUB REGISTRAR
VEDASANDOOR SUB REGISTRAR OFFICE,
DINDIGUL DISTRICT.

. . . Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings passed by the 1st respondent in Na.Ka.No.1388/A1/2015 dated 18.4.2016 and quash the same and consequently direct the first respondent to conduct an enquiry as per Circular 67 issued by the Inspector General of Registration on the basis of the petitioner's representation dated 04.04.2016.

For petitioner

:Mr. B. Jameel Arasu

For respondents

:Mr. V. Muruganandam

Additional Government Pleader

ORDER

Challenging the order passed by the first respondent/District Registrar, Palani, Dindigul District, the present writ petition has been filed.

2. According to the petitioner, she borrowed a loan from one Shanmugam and at that time, she has signed in some stamp papers and by using the said stamp papers, the above said Shanmugam created a forged sale deed and the same was registered by the second respondent/Sub-Registrar,Vedasandoor Sub Registrar Office, Dindigul District. After coming to know about the same, the petitioner lodged a complaint before the second respondent to cancel the above said sale deed by invoking Circular 67 dated



3. A perusal of the impugned order, it is seen that the first respondent, without conducting any enquiry and without giving any opportunity to the petitioner, rejected the petitioner's complaint stating that the contention of the petitioner cannot be accepted and the Registrar has no power to unilaterally cancel any sale deed and the parties were given liberty to seek relief by way of approaching the concerned Munsif Court.

4. According to the petitioner, since she filed a complaint before the second respondent/Sub-Registrar, necessarily, second respondent should issue notice to the petitioner and rival parties and conduct an enquiry and thereafter, he should pass orders. But, according to the petitioner, without conducting any enquiry, the first respondent has arbitrarily passed the impugned order. Hence, the same is liable to be set aside.

5. Heard both sides and perused the material documents carefully.

6. In view of the above facts and circumstances of the case, the impugned order, passed by the first respondent, dated 18.04.2016, is set aside on the ground that it is violative of principles of natural justice and the matter is remanded back to the first respondent/District Registrar, Palani, Dindigul District. The first respondent is directed to conduct an enquiry on the complaint given by the petitioner and after issuing notice to the petitioner as well as the rival party i.e Shanmugam and pass orders on merits and in accordance with law. The above said exercise should be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. In the result, the writ petition is allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 THE DISTRICT REGISTRAR
OFFICE OF DISTRICT REGISTRAR,
PALANI, DINDIGUL DISTRICT.



2 THE SUB REGISTRAR
VEDASANDOOR SUB REGISTRAR OFFICE,
DINDIGUL DISTRICT.

WEB COPY

+1cc to the special Government Pleader SR.No.74103
+1cc to M/s.Jameel Arasu, Advocate SR.No.74141

vs

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W.P. (md) .NO.22959 of 2016