



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition (MD) No.7525 of 2017 and
W.M.P(MD) No.5883 of 2017

1.M.Vellaichamy
2.V.Thamayanthi

... Petitioners

Vs.

1. The District Registrar,
(Administration),
Office of the District Registrar,
Virudhunagar,
Virudhunagar District.

2. The Joint Sub-Registrar No.2,
Virudhunagar,
Virudhunagar District.

3. Mr.Pandurangan

... Respondents

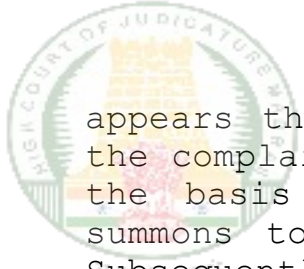
PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the 1st respondent in his proceedings in Na.Ka.No.515/Aa4/2017 dated 30.03.2017 and quash the same as illegal, arbitrary, violation of principles of law.

For petitioners : Mr.G.Marimuthu
For Respondents 1 & 2 : Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

The petitioner has approached this Court seeking quashment of the proceedings of the 1st respondent in Na.Ka.No.515/Aa4/2017 dated 30.03.2017.

2.According to the petitioner, the third respondent has sent a representation to the Inspector General of Registration that the settlement deed executed by the first petitioner in favour of the second petitioner on 16.04.2003 is against the recitals of the Will executed by Velliyan Chettiyar on 13.08.1930. The third respondent therefore, requested the authority to cancel the registered settlement deed. In response to the representation, it



appears that the Inspector General of Registration had forwarded the complaint to the first respondent to take necessary action. On the basis of the said direction, the first respondent issued summons to the petitioners to attend an enquiry on 03.04.2017. Subsequently, the enquiry was adjourned to 20.04.2017.

3.While matter stood thus, the petitioners have approached this Court challenging the enquiry notice issued by the first respondent. According to the petitioners, the first respondent has no jurisdiction to decide the correctness of the Will. In any event it is always open to the petitioners to urge before the first respondent and establish their right as against the third respondent and it is also open to the petitioners to raise the issue of jurisdiction.

4.In that view of the matter, without waiting for the enquiry proceedings initiated by the first respondent, the petitioners have rushed to this Court invoking the extraordinary jurisdiction Court under Article 226 of the Constitution of India. Prima facie, the matter appears to be premature. Therefore, the same cannot be entertained at this stage. Therefore, the writ petition necessarily fails and the same is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Registrar,
(Administration),
Office of the District Registrar,
Virudhunagar,
Virudhunagar District.

2. The Joint Sub-Registrar No.2,
Virudhunagar,
Virudhunagar District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54201
+ 1 CC TO Mr.G.MARIMUTHU, ADVOCATE IN SR No. 53686

RMI/SJ

TE/MMS : 09/05/2017 : 2P/5C