

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9765 OF 2017

ORDER:

The case of the petitioners is that they were issued notice dated 10.02.2017, under Section 82 of the Registration Act, and in pursuance of the same the petitioners also submitted explanation dated 28.02.2017. But, without passing any orders on the same, present impugned notice dated 04.03.2017 is issued.

Learned counsel for the petitioners submits that when civil suits are pending between petitioners and respondents 5 and 6, the respondent authorities have no jurisdiction to issue notice under Section 82 of the Registration Act, 1908.

Learned Assistant Government Pleader for Revenue submits that the impugned notice is only a notice and that since the enquiry was adjourned, fresh notice was issued.

It is to be seen that as per Section 82 of the Registration Act, 1908 penalty can be imposed against the persons for making false statements before any officer acting in execution of this Act, in any proceedings or enquiry under this Act.

A reading of the impugned notice goes to show that it is only a show cause notice and petitioners can plead all their contentions before the concerned authorities. As on today, no prosecution is laid as per Section 82 of the Act. In view of the

same, I do not see any reason to entertain the writ petition. However, the 4th respondent, keeping in view of the objections raised by the petitioners, shall pass orders, in accordance with law, after issuing notice and affording opportunity of hearing to the petitioners. If any orders are already passed by the 4th respondents, it is open for the petitioners to challenge the same as per law.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

20.03.2017
t k.

A.RAJASHEKER REDDY, J

