

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2432 of 2018

and

WMP.Nos.2945 & 2946 of 2018

1.Mrs.M.Saroja
W/o.Mr.C.Murugesan

2.Mr.M.Anantharaman
S/o.Mr.C.Murugesan

3.Mr.M.Ravishankar
Proprietor
M/s.A.K.R.Events Inc
a Proprietary concern
No.13/16, Dr.Subbarayan Nagar
8th Street, Kodambakkam,
Chennai-600 024.

... Petitioners

Vs.

1.The Inspector General of Registration
Santhome High Road,
Mylapore, Chennai-600 004.

2.The District Registrar
South Chennai
No.9, Jeenis Road,
Saidapet, Chennai-600 015.

3.The Sub Registrar
T.Nagar, Chennai-600 017.

4.Mrs.S.P.N.Sathyamoorthy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 22.01.2018 in Proceedings No.19500/A1/2017 and quash the same and consequently, direct the 2nd and 3rd respondents herein to cancel the said pending document No.45 of 2017 styled as Sale Deed dated 20.10.2016 alleged to have been executed by the 2nd petitioner in favour of the 4th respondent.

For Petitioners : Mr.K.V.Babu

For Respondents : Mr.K.T.Devendran
Additional Government Pleader
for R1 to R3

O R D E R

This writ petition is filed challenging the proceedings of the second respondent dated 22.01.2018, which is nothing, but a notice calling upon the second petitioner and others to appear for a personal hearing on 29.01.2018 to conduct an enquiry in respect of the complaint received regarding the pending document No.45 of 2017.

2. Mr.K.V.Babu, learned counsel appearing for the petitioners submitted that already a similar notice was issued to the second petitioner on 29.12.2017 and after receipt of such notice, the second petitioner has also given a detailed reply on 19.01.2018. Therefore, he submitted that without considering the objections already filed by the second petitioner, the present impugned notice is once again issued to the second petitioner. The learned counsel also submitted that the impugned notice was received by the second petitioner on the date of enquiry itself, i.e. on 19.01.2018, that too, in the evening and therefore, the second petitioner is not able to attend the enquiry as well.

3. No doubt, it is true that the second respondent earlier issued a notice on 29.12.2017, calling upon the second petitioner to appear for an enquiry on 19.01.2018. It is stated by the second petitioner that he has given an explanation on 19.01.2018, by sending the same through registered post. Now, the second respondent has issued another notice impugned in this writ petition, calling upon the second petitioner to appear for an enquiry on the scheduled date. If the second petitioner is not interested in utilizing the personal hearing given to him on the scheduled date, it is open to him to express so before the second respondent that it is enough, the explanation already given by him on 19.01.2018 shall be considered and orders be passed on the same. Without doing so, approaching this Court and filing the present writ petition is not a proper course of action, more particularly, when the second petitioner has chosen to challenge the enquiry notice and not any order passed by the second respondent, based on such enquiry. Therefore, I find that the present writ petition is totally misconceived. Accordingly, this writ petition is disposed of, by granting liberty to the second petitioner to approach the second

respondent and raise all the contentions as raised in this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

mk

To

1.The Inspector General of Registration
Santhome High Road,
Mylapore, Chennai-600 004.

2.The District Registrar
South Chennai, No.9, Jeenis Road,
Saidapet, Chennai-600 015.

3.The Sub Registrar
T.Nagar, Chennai-600 017.

+ 1 cc to M/s.K.V.Babu Advocate,SR.8262

+ 1 cc to The Govt.Pleader, SR.8721

W.P.No.2432 of 2018

nri(co)
nr 22/02/2018

सत्यमेव जयते
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