



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15953 of 2019

and

W.M.P(MD).No.12662 of 2019

Balakumar

...Petitioner

-Vs-

1.The District Revenue Officer,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirangam, Trichy.

3.The District Registrar (Administration),
District Registrar's Office,
Karur.

4.Karumbachalam

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to Na.Ka.No.2730/91/2018, dated 21.06.2019 on the file of the third respondent and quash the same as it is against law.

For Petitioner : Mr.RM.Sivakumar

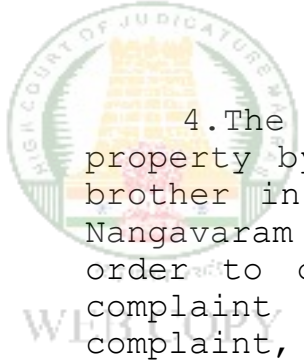
For Respondents : Mr.M.Murugan (for R1 to R3)
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Certiorari, to call for the records pertaining to Na.Ka.No.2730/91/2018, dated 21.06.2019, on the file of the third respondent and quash the same.

2.Heard Mr.RM.Sivakumar, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

3.With the consent of both sides, this writ petition is being disposed of at the admissions stage itself.

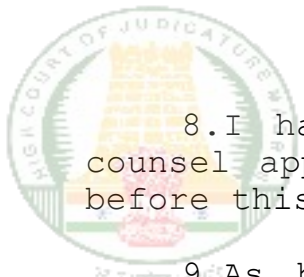


4.The petitioner claimed that he has been settled an immovable property by his father to and in favour of the petitioner and his brother in Document No.335/2017 on the file of the Sub-Registrar, Nangavaram Sub-Registration Office and the fourth respondent in order to cancel the said settlement deed seems to have given a complaint to the third respondent and pursuant to the said complaint, the third respondent already issued notice on 03.12.2018 to the petitioner for an enquiry. Pursuant to the said notice, it is claimed by the learned counsel for the petitioner that the petitioner had appeared and had given a detailed explanation on 21.12.2018. Thereafter, no order was passed.

5.However, subsequently, on 21.06.2019 yet another notice has been issued in Na.Ka.No.2730/21/2018 by the very same third respondent office, where also once again, the petitioner has been directed to appear for an enquiry on 01.07.2019 and give explanation with regard to the complaint given by the fourth respondent.

6.In this context, it is the case of the petitioner that the fourth respondent is no way connected with regard to the transaction as per the settlement deed No.335/2017 and if at all, he has got any grievance, he should approach only the competent Civil Court to establish his right and merely because, he filed the said complaint before the third respondent, the third respondent cannot compel the petitioner to appear before him to conduct an enquiry and take a decision with regard to the validity of the settlement deed already registered, as the third respondent does not have any such power to cancel such deed, which has already been registered. Therefore, on this ground, the very same notice dated 21.06.2017 is challenged herein with the aforesaid prayer.

7.I have heard Mr.M.Murugan, learned Government Advocate appearing for the respondents 1 to 3, who would submit that, no doubt the third respondent may not have the power to cancel the deed already registered, but at the same time, if a complaint has come with regard to the registration already taken place, a limited enquiry can be conducted by the third respondent in order to ascertain the facts and even ultimately, if it is ascertained and the deed in question has to be cancelled, that can only be referred to a competent civil Court by disposing of such complaint filed by any third party and only for that purpose, in order to have a limited enquiry, the third respondent has issued the notice and pursuant to the notice, the petitioner also seems to have appeared before the third respondent and gave explanation, based on such explanation, final order would be passed. Such an order need not be for the purpose of cancelling the deed already registered. Therefore, the petitioner cannot have any grievance against the notice dated 21.06.2019, which is infact admittedly acted upon by the petitioner. Therefore, this writ petition cannot be entertained.



8.I have considered the said submission made by the learned counsel appearing for both sides and perused the materials placed before this Court.

9.As has been rightly pointed out by the learned Government Advocate appearing for the official respondents, it is only for the purpose of limited enquiry in order to dispose of the complaint given by the fourth respondent against the petitioner pertaining to the document in question and once such an enquiry is completed, as the petitioner already submitted himself, to such enquiry by appearing before the third respondent and gave his explanation already, the petitioner would no way be prejudiced, if any final order is passed by the third respondent in such enquiry, as the final order passed by the third respondent would not be related to cancellation of the deed already registered. Therefore, the petitioner need not have any such apprehension that pursuant to the enquiry in question, the third respondent may cancel the settlement deed executed already in favour of the petitioner and his brother.

10.In that view of the matter, this Court finds no merit in this writ petition to entertain. Accordingly, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To

1.The District Revenue Officer,
Trichy District, Trichy.

2.The Revenue Divisional Officer,
Srirangam, Trichy.

3.The District Registrar (Administration),
District Registrar's Office, Karur.

+1 CC to M/s.RM.SIVAKUMAR, Advocate (SR-75935[F] dated 18/07/2019)
+1 CC to M/s.SPL GP (SR-76293[F] dated 19/07/2019)

Order made in
W.P.(MD)No.15953 of 2019
18.07.2019

RMK

MS/06.09.2019/3P.6C