

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9338 of 2020

and

W.M.P.Nos.11423 and 11424 of 2020

Mr.Manoj John Infant Pepin,
S/o.John.

... Petitioner

Vs.

The District Registrar (South Zone),
District Registrar Office,
SIDCO Industrial Estate,
Electronic Complex, 3rd Block, 3rd Floor,
Guindy, Chennai-600 032.

... Respondent.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorari, to call for the records in connection with the proceedings related to the respondents communication in No.5642/E2/2019 dated 08-06-2020, which is pending on the file of the respondent herein and quash the same.

For Petitioner :M/s.S.Kingston Jerold.

For Respondent :Mr.M.Tamizharasan,
Additional Government Pleader.

O R D E R

By consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition has been filed challenging the proceedings initiated by the respondent wherein the petitioner has been called for an enquiry by a letter dated 08.06.2020.

3.The case of the petitioner is that, the petitioner had purchased a property and during that time he was asked to purchase the adjacent plot also. According to the petitioner, a complaint was given against the petitioner before the respondent to conduct an enquiry with regard to the registration of the property which was purchased by the petitioner. It was also seen that the petitioner had also given a complaint and according to

the petitioner the same is also pending. The grievance of the petitioner is that the respondent has issued an impugned notice dated 08.06.2020 asking the petitioner to attend for an enquiry even without giving a copy of the complaint and the materials that are relied upon by the complainant. The apprehension of the petitioner is that in the name of enquiry, the respondent will proceed to cancel the documents and according to the petitioner, the respondent has no such right.

4. Heard Mr. Kingston Jerald, learned counsel appearing for the petitioner and Mr. Tamizharasan, learned Additional Government Pleader for respondent.

5. At the out set, it must be made clear that the respondent will not have any right to cancel any documents and the same has been made clear even as per the circular issued by the Registration Department following the judgement of the Honourable Supreme Court. At the best, the respondent can only conduct an enquiry and take action in accordance with Section 82 and 83 of the Registration Act. The complainant viz., Harshitha Bheevi, has given a complaint dated 21.05.2019 and it is the case of the petitioner that he has also given a complaint on 05.09.2018. The respondent has only issued a notice asking the petitioner to appear for the enquiry and the petitioner can always appear for the enquiry and submit his representation along with the documents. The respondent will also furnish the copy of the complaint which was given by the above said Harshitha Bheevi, to enable the petitioner to effectively send his reply for the said complaint.

6. This Court does not find any ground to interfere with the impugned notice issued by the respondent, since the respondent is vested with the jurisdiction to conduct such an enquiry under the Registration Act. The respondent shall give sufficient opportunity to both the petitioner as well as the complainant and deal with the same strictly in accordance with law.

7. This writ petition is disposed of accordingly. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

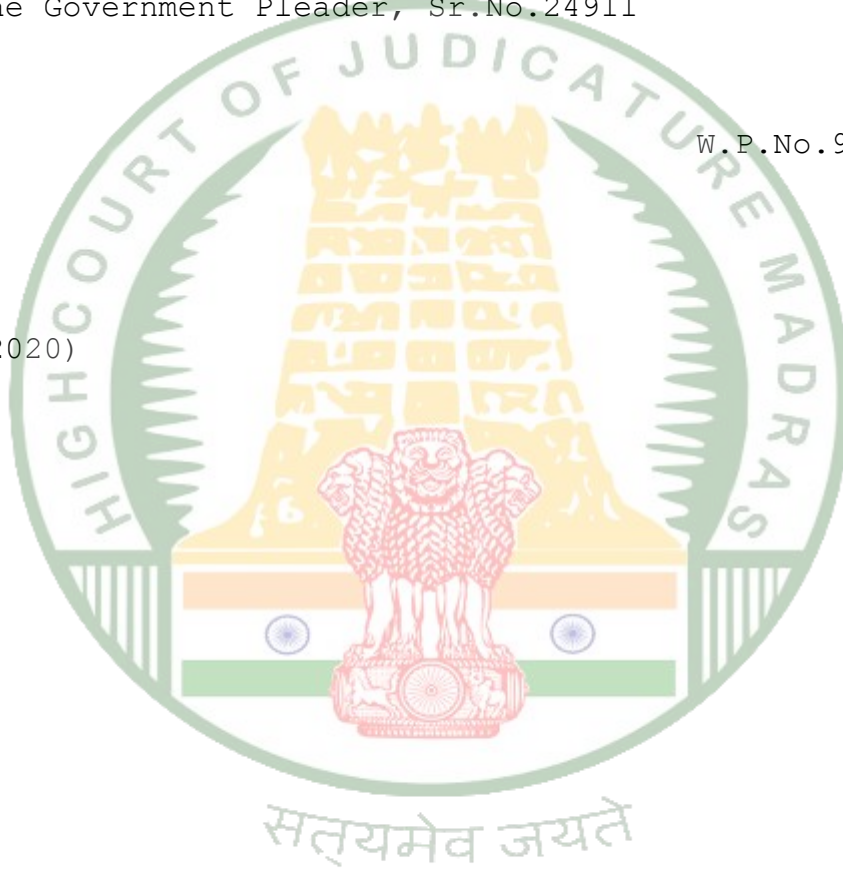
1.The District Registrar (South Zone),
District Registrar Office,
SIDCO Industrial Estate,
Electronic Complex, 3rd Block, 3rd Floor,
Guindy, Chennai-600 032.

2.The Government Pleader,
High Court, Madras.

+1cc to the Government Pleader, Sr.No.24911

W.P.No.9338 of 2020

RSV(CO)
GS(05/08/2020)



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