

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.10123 of 2020
and
WMP.No.12308 of 2020

Dr.Subbha Somu,
S/o.Late.Subbiah

... Petitioner

Vs.

1.The Inspector General of Registration
Registration Department
Government of Tamil Nadu
No.100, Santhome High Road,
Chennai 600 028.

2.K.Vanisree ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorari, to call for the records pertaining to the impugned notice dated 09.07.2020 issued by the first respondent under reference 6448/U2/2020 relating to cancellation of (a) Deed of Settlement dated 20.05.2010, registered as Doc.No.1753 of 2010, (b) Deed of rectification dated 08.06.2020, registered as Doc.No.1974 of 2010, (c) Sale Deed dated 12.08.2010, registered as Doc.No.2751 of 2010 and (d) Sale Deed dated 21.12.2018, registered as Doc.No.4908 of 2018, all before the office of the SRO Kodambakkam in respect of the immovable property comprised in Old S.Nos.8/4, 8/1B Part, 9/1, 9/3, Old T.S.No.5/1 Part, New T.S.No.5/3, Block No.7, Vada Agaram Village, Vada Agaram Division, Egmore - Nungambakkam Taluk, Chennai District, within the Sub-Registration District and in the Registration District of Chennai Central from the files of the first respondent, and to quash the same.

For Petitioner : Mr.R.Umasuthan

For Respondents : Mr.T.M.Pappiah, for R1
Special Government Pleader

O R D E R

This petition has been filed challenging the notice

issued by the first respondent dated 09.07.2020 wherein, the petitioner had been called to attend an enquiry along with all relevant documents on 05.08.2020.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property by virtue of a registered sale deed dated 21.12.2018. The further case of the petitioner is that he has also obtained a patta for the property and the property is also assessed for property tax.

3. The second respondent seems to have given a complaint before the first respondent challenging the sale deed executed in favour of the petitioner and had sought for an enquiry. Based on the complaint, the first respondent had issued a notice to the petitioner to attend for an enquiry on 05.08.2020. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the second respondent has already filed a suit against the petitioner and the suit is pending. Therefore, the right and title over the property can be decided only by the Civil Court. The learned counsel further submitted that the first respondent will not have the right or authority to cancel the sale deed executed in favour of the petitioner and therefore, the notice issued by the first respondent to conduct an enquiry requires interference.

5. Mr. T.M. Pappiah, learned Special Government Pleader appearing on behalf of the first respondent submitted that the first respondent is aware about the fact that no registered document can be cancelled as per the circular issued by the department and the enquiry is confined within the scope of Sections 82 and 83 of the Registration Act. The learned counsel further submitted that the petitioner can give his explanation in writing to the first respondent and the first respondent will consider the same and pass orders in accordance with law. The learned counsel submitted that the petitioner cannot approach this Court merely on apprehensions.

6. In reply to the said submission, the learned counsel for the petitioner further submitted that original title documents have already been filed before the Civil Court and therefore, it cannot be produced before the first respondent.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. In view of the specific stand taken by the first respondent, it is clear that the first respondent does not have

the power to cancel any registered document. The petitioner can give a written reply to the first respondent and make his stand very clear before the first respondent. Thereafter, it is left open to the first respondent to deal with the same strictly in accordance with law. The apprehension raised by the petitioner against the first respondent cannot be a ground to quash the impugned notice issued by the first respondent directing the petitioner to attend an enquiry.

9. In view of the above discussion, there shall be a direction to the first respondent to issue a fresh notice to the petitioner by giving him sufficient time to submit his reply. The petitioner can submit his reply by taking a stand and the first respondent can thereafter deal with it strictly in accordance with law.

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

The Inspector General of Registration
Registration Department
Government of Tamil Nadu
No.100, Santhome High Road,
Chennai 600 028.

सत्यमेव जयते

W.P.No.10123 of 2020

and

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