



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.3522 of 2020

M.Prabaharan

.. Petitioner

Vs.

1.The District Registrar,
Madurai, Madurai District.

2.M.Sarojiniachi

3.M.Nachchiappan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records relating the order passed by the respondent No.1 in Na.Ka.4603/R2/2019, dated 22.01.2020 and quash the same as illegal.

For Petitioner : Mr.S.Balasubramanian

For Respondents : Mr.V.Anand for R1
Government Advocate

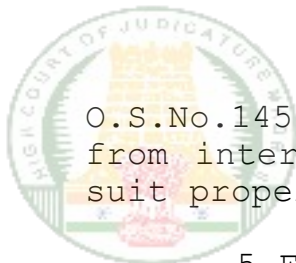
ORDER

This writ petition is filed to quash the order passed by the first respondent, dated 22.01.2020.

2.Mr.V.Anand, learned Government Advocate takes notice for first respondent. Considering the facts and circumstances of this case and on hearing both sides, notice to the respondents 2 and 3 is dispensed with at this stage and this writ petition is taken up for final hearing at the admission stage itself.

3.The impugned order is nothing but a notice calling upon the petitioner to attend an enquiry which is based on a complaint submitted by one M.Nachiappan on 18.12.2019.

4.The petitioner states that he has purchased certain property for valuable consideration on 29.08.2019 under two sale deeds which have been registered at the office of Joint Sub Registrar, Madurai North. The petitioner has also filed a suit in



O.S.No.145/2019 for an injunction restraining the defendants therein from interfering with the peaceful possession and enjoyment of the suit property.

5.From the plaint in paragraph 4 and the affidavit filed in support of this petition, this Court could see that the documents of sale relied upon by the petitioner is pending registration and the registration is not yet completed. Hence, the petitioner may not have any right to claim as a purchaser. It appears that the enquiry also relates to some fraud alleged against the petitioner in presenting the document for registration. In such circumstances, it appears that the petitioner has filed this writ petition only to stall the enquiry which has been initiated by the first respondent under Sections 82 & 83 of the Registration Act.

6.No writ petition will lie as against a notice for enquiry. The petitioner has filed the writ petition without giving a reply to the notice. The conduct of the party in approaching this Court also give raise to a suspicion as to the bonafides of the petitioner in challenging the notice for enquiry. The petitioner has not produced before this Court the sale deed and the revenue records as to how the vendor who was shown in the document is entitled to convey or transfer the property in favour of the petitioner. The first respondent is entitled to conduct the enquiry under Sections 82 & 83 of the Act. The enquiry notice issued to the petitioner reveals that the petitioner is aware of the reasons for commencing the enquiry by the first respondent. However, the petitioner has not disclosed in the affidavit as to the reasons behind the initiation of proceedings by the first respondent.

7.Over all circumstances only lead to the conclusion that the petitioner has approached before this Court to stall the enquiry proceedings with ill motive. The suit filed by the petitioner against respondents 2 and 3 is for injunction and that does not prevent the authorities from exercising their power under the statute. In such circumstances, this Court find no merit in the writ petition.

8.Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

The District Registrar,
Madurai, Madurai District.

WEB COPY

+1 CC to M/s.S.BALASUBRAMANIAN, Advocate (SR-7836[F] dated
24/02/2020)

+1 CC to M/s.SPL.GP (SR-8075[F] dated 25/02/2020)

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21.02.2020

JMN(06.03.2020) 3P : 4C