



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.Nos. 13917 & 13926 of 2021

and

W.M.P. Nos. 14788 , 14791, 14794 & 14796 of 2021

P.A.Palanisamy
S/o. Angappa Mudaliar

.. Petitioner in
W.P. No.13917 of 2021

K.Sahabudeen,
S/o. K.I. Kadharbatcha

... Petitioner in
W.P.No.13926 of 2021

Versus

1. The Inspector General of
Registration,
100, Santhome High Road,
Anna Salai, Chennai.

2. The District Registrar,
Market Road,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode Dt.

3. M.Govindan,
S/o. Muthuraj

4. M.Dhandapani,
S/o. Muthuraj

5. M.Viswanathan,
S/o. Muthuraj

6. Natarajan,
S/o. Karuppannan

... Respondents in both
W.P.s



COMMON PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, call for the records of the 2nd respondent impugned enquiry notice Na.Ka.No.2643/Aa1/2020, dated 15.06.2021 and quash the same.

For Petitioners in both W.P.s : Mr.S.Kolandasamy

For Respondents in both W.P.s : Mr.Yogesh Kannadasan,
Govt. Advocate for R1 & R2

C O M M O N O R D E R

(The case has been heard through video conference)

These Writ Petitions have been filed challenging the enquiry notice issued by the 2nd respondent.

2. A perusal of impugned notice, it could be seen that, the petitioner's father one Angappa Mudaliar, has purchased an extent of 0.71 $\frac{3}{4}$ cents in Survey No.99B1 for a valuable consideration. After his demise, the petitioners have partitioned the property by means of a registered sale deed, wherein, total extent was mentioned as 0.79.69 cents, over and above the property purchased by their father. In the said circumstances, the 2nd respondent has issued a notice to the petitioners to appear for enquiry and to explain how the extent has been varied from the original parent document. Now, challenging the said notice, the present Writ Petition has been filed by the petitioner.

3. Mr.S.Kolandasamy, learned counsel appearing for petitioner would submit that, there is no discrepancy in the document. That apart, in respect of that dispute, a civil suit was also filed. In the said circumstances, the 2nd respondent cannot go into the issue and cannot issue a notice of enquiry. He would further submit that, the petitioner has appeared before the 2nd respondent and produced all the documents. Now, the apprehension is that the 2nd respondent, without considering those documents, likely to pass orders.

4. On perusal of records, it could be seen that, it is only a notice seeking the petitioner to explain how the extent of property mentioned in the present partition deed differed from the parent document. If at all, the petitioners have valid reason, it is open to them to appear before the 2nd respondent



and submit all the documents and satisfy the 2nd respondent. Without doing so, the petitioners cannot maintain the Writ Petition challenging the notice. Hence, these Writ Petitions are not maintainable and the same are liable to be dismissed. However, it is open to the petitioners to appear before the 2nd respondent, and produce all available documents and explain the reasons regarding the discrepancy. On receipt of the same, the 2nd respondent is directed to consider the documents submitted by the petitioner, and pass suitable orders on merits after hearing the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Inspector General of Registration,
100, Santhome High Road,
Anna Salai, Chennai.
2. The District Registrar,
Market Road,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode Dt.

+1cc to Mr.S.Kolandasamy, Advocate SR.No. 31814
+1 cc to Government Pleader Sr.No. 31917

W.P.Nos. 13917 & 13926
of 2021

RSV(CO)
A.SK(14.07.2021)