



WEB COPY

W.M.P.(MD)No.3259 of 2021

in

W.P.(MD)No.SR10640 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.M.P. (MD)No.3259 of 2021

in

W.P. (MD)No.SR10640 of 2021

1.N.R.Krishnamoorthy Raja

2.N.K.Rajai

: Petitioners/Writ Petitioners

Vs.

1.The Deputy Inspector General of Registration,
Registration Department,
Office of the TNAU Nagar,
Rajakambeeram, Y.Othakadai,
Madurai - 625 107.

2.The District Registrar,
(Audit and Administration),
Periyakulam, Theni District.

3.The Sub Registrar,
Theni-Sub Registrar Office,
Theni - 625 531.

4.Mahalakshmi

: Respondents/Respondents

Prayer in W.M.P. (MD)No.3259 of 2021: Petition filed under Rule 2(B) of Rules to Regulate the Proceedings Article 226 of Constitution of India, to permit the petitioners to file single Writ Petition.

PRAYER in W.P.(MD)No.SR10640 of 2021:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records relating to the impugned notices of the second respondent in Na.Ka.No.18/E2/2021, dated 11.02.2021 and quash the same.

For Petitioners

:Mr.S.Natarajan

ORDER

The petitioners' claim themselves to be the owners of the land and building in Door Nos.13 and 14, Old Pappu Raja Lane Street, comprised in S.No.518/2, Old Ward No.17 and New Ward No.25 and T.S.No.4/1, Ward No.D, Block No.20 of Allingaram Village, Theni Town, measuring an extent of 1610 sq.ft.

2.It appears that there is a property dispute between the petitioners and the fourth respondent and the fourth respondent appears to have approached the third respondent to cancel the

<https://hcsprecs.courts.gov.in/hcservices>



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document, dated 08.09.2020. According to the petitioners that once the documents have been lawfully registered, the same cannot be cancelled by the parties. The petitioners herein are aggrieved by the notice issued by the second respondent, dated 11.02.2021 directing them to appear before the enquiry at the instance of the fourth respondent seeking cancellation of the documents. Since the second respondent is not empowered to conduct the enquiry, the petitioners are before this Court.

3.This Court is not inclined to accept the objection of the petitioners for the simple reason that whether the second respondent is having jurisdiction or not is not a matter of consideration by this Court in the circumstances of the case. It is open to the petitioners to raise preliminary objection, as to the maintainability of the enquiry notice before the authority concerned, who issued the notice and the authority needs to apply his mind before the petitioner seeks interference of this Court under Article 226 of Constitution of India and involve this Court in adjudication of the dispute at this stage.

4.Therefore, this Court is of the clear view that the proper course open to the petitioners is to respond to the show cause notice, dated 11.02.2021 and in case, the second respondent is not inclined in their favour and any adverse order is passed, thereafter, the petitioners can take appropriate steps to work out their remedy in a manner known to law.

5.In the said circumstances, by giving liberty to the petitioners to raise the issue of jurisdiction, as to the maintainability of the enquiry notice, W.M.P.(MD)No.3259 of 2021 is dismissed and consequently, the W.P.(MD)No.SR10640 of 2021 is rejected at SR stage itself. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Deputy Inspector General of Registration,
Registration Department,
Office of the TNAU Nagar,
Rajakambeeram, Y.Othakadai,
Madurai - 625 107.

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2.The District Registrar,
(Audit and Administration),
Periyakulam, Theni District.

3.The Sub Registrar,
Theni-Sub Registrar Office,
Theni - 625 531.

+1CC to Mr.S.Natarajan, SR.No.8268 dated 02.03.2021

W.M.P. (MD)No.3259 of 2021
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01.03.2021

MJ(CO)
KB(16.04.2021) 3P 5C