



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15429 of 2021

and

W.M.P. (MD) .No.12336 of 2021

Thaika Ahmed Nabeel Heedu Ibrahim @ Nubail Thaikka
... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Ramanathapuram District.

2.Inspector General of Registration,
120, Santhome High Road,
Chennai-28.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records culminated in the first respondent's impugned summons for enquiry in Ref.Na.Ka.662/A1/2021, dated 25.06.2021 and quash the same as illegal.

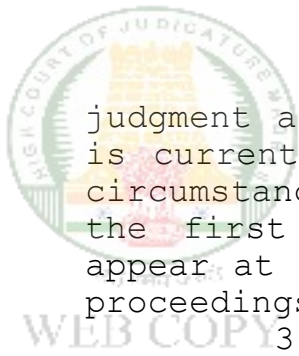
For Petitioner : Mr.R.Prabhakaran
For Respondents : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner challenges an inquiry notice dated 25.06.2021 from the first respondent herein.

2. The petitioner traces title to the relevant property through a gift deed executed by Syed Ameena Beevi in favour of the petitioner. According to the petitioner, a suit was filed by the said Syed Ameena Beevi against the complainant before the first respondent and such suit was dismissed on 29.06.2016. The appeal suit filed against the judgment and decree was allowed and a decree for recovery of possession of the property was issued on 22.06.2020.

<https://hcservices.courts.gov.in/hcservices/> stated that a Second Appeal was filed against the



judgment and decree in the appeal suit and that such Second Appeal is currently at the admission stage before this Court. In these circumstances, the impugned notice dated 25.06.2021 was issued by the first respondent calling upon the petitioner and others to appear at an inquiry on 09.08.2021. The said inquiry notice and the proceedings relating thereto are challenged herein.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner has challenged an inquiry notice instead of participating at such inquiry and providing the necessary explanation or raising objections to such inquiry.

4. The main contention of the petitioner is that registration authorities do not have the power to cancel registered documents or to adjudicate on disputed questions of title. In the case at hand, the petitioner contends that he has succeeded in the appeal suit and that, therefore, the inquiry notice is without jurisdiction.

5. Without doubt, at this juncture, registration authorities do not have the power to cancel a registered document. Nonetheless, such authority has the power to inquire into whether impersonation, forgery or other irregularities occurred in course of registration. To that extent, it cannot be said that the inquiry notice and the proceedings in relation thereto have been initiated *ex facie* without jurisdiction. Therefore, it is always open to the petitioner to participate at the inquiry and raise objections with regard to the scope of inquiry or matters incidental thereto.

6. For the reasons stated above, W.P.(MD).No.15429 of 2021 is disposed of on these terms without any order as to costs. However, it will be open to the petitioner to participate at the inquiry, provide an explanation or raise objections in relation thereto. The first respondent is directed to conclude such inquiry within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to all the parties to such inquiry. There will be no order as to costs. Consequently, connected W.M.P.(MD).No.12336 of 2021 is closed.

Sd/-

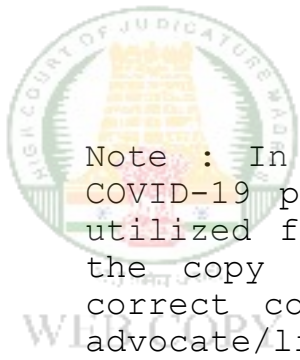
Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Registrar,
District Registrar Office,
Ramanathapuram District.

2.The Inspector General of Registration,
120, Santhome High Road,
Chennai-28.

+1 CC to M/s.GP (SR-27911[F] dated 02/09/2021)

W.P (MD) No.15429 of 2021
01.09.2021

MGJ(08.09.2021) 3P 4C