



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.22396 of 2021

and

W.M.P. (MD) .No.18951 of 2021

Stella Edward

... Petitioner

Vs.

1.The District Registrar (Administration),
Trichy,
Trichy District.

2.The Sub-Registrar Joint-1 & 2,
Joint - 1 & 2 Sub Registrar Office,
Trichy,
Trichy District.

3.Ramadevi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the first respondent in his proceedings Na.Ka.No.17030/A4/2021 dated 25.11.2021 and quash the same as illegal.

For Petitioner : Mr.S.Karthick Ramkumar

For Mr.B.Saravanan

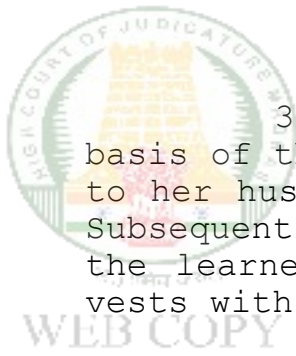
For R-1 and R-2 : Mr.J.John Rajadurai

Government Advocate

ORDER

The writ petitioner has come to Court in the nature of Certiorari questioning a notice issued by the first respondent dated 25.11.2021 in Na.Ka.No.17030/A4/2021.

2. By the said notice, the petitioner had been called upon to participate in an enquiry on a petition given by the third respondent. The short facts which have lead to the filing of this Writ Petition and also giving of representation by the third respondent are that the petitioner, was nominated as an agent by a registered document by one Ammasi. That document was registered on 17.07.1996 as Document No.1003/1996 in the office of the Sub Registrar, Trichy.



3. Thereafter, it is claimed by the petitioner that on the basis of the power of attorney, the petitioner had sold the property to her husband, S.Edward by a registered document dated 10.03.2008. Subsequently, her husband unfortunately expired. Now, according to the learned counsel for the petitioner, the title of the property vests with the petitioner and the legal heirs/her children.

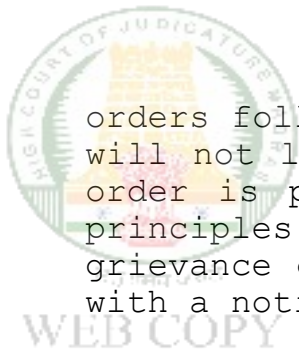
4. In the meanwhile, a representation has been given by the third respondent to the first respondent/the District Registrar (Administration) in Trichy District, claiming that the power of attorney document itself is not a true document, since Ammasi had died on 17.12.1996 and thereafter, her legal heirs had given a power of attorney in favour of one Nalluchamy. It had therefore been claimed that the entire line of title claimed by the petitioner is based on a document which is questionable.

5. It is claimed by the learned counsel for the petitioner that the first respondent has no jurisdiction to examine the representation given and learned counsel placed reliance on a judgment given by a learned Single Judge of this Court on 29.10.2021 in a batch of Writ Petitions, ***S.Kanniammal @ Mangai Vs. the State of Tamil Nadu and others.*** Learned counsel therefore stated that the only appropriate course which the third respondent should take is to institute a civil suit.

6. If the first respondent who had issued the notice to the petitioner has no jurisdiction, the petitioner can very well inform the first respondent that he has no jurisdiction to proceed further and if according to the aforesaid judgment, the first respondent has again no jurisdiction, a copy of the said judgment may be given by the petitioner to the first respondent and invite him to pass an order on his own jurisdiction to proceed further on the representation given by the third respondent. At any rate, the first respondent will have to take a decision after hearing both the petitioner and the third respondent.

7. This Court cannot interfere even before the enquiry has started. It is informed by the learned counsel for the petitioner that the enquiry was originally fixed on 06.12.2021 and the petitioner did not participate in the enquiry. It was therefore adjourned to 15.12.2021 and the petitioner appeared and it has been again adjourned. Whenever the date is fixed for next hearing, the petitioner is free to raise issues on the jurisdiction of the first respondent quite apart from answering the averments made in the notice and an obligation is placed on the first respondent, also to give a finding on his authority to examine the representation given by the third respondent.

8. This Court can never interfere even before such an enquiry has commenced. It is for the authority to pass necessary



orders following due principles of natural justice. Judicial review will not lie at this stage. Judicial review will lie only when an order is passed by an administrative authority and if at all the principles of natural justice are violated. That is not the grievance of the petitioner herein. The petitioner had been issued with a notice and it is her duty to participate in the enquiry.

9. With the above observations, this Writ Petition stands dismissed. In view of the order passed, the notice is dispensed with to the third respondent. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr/Lm

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 (Administration),
Trichy,
Trichy District.
- 2.The Sub-Registrar Joint-1 & 2,
Joint - 1 & 2 Sub Registrar Office,
Trichy,
Trichy District.

+1 CC to M/s.SPL GP (SR-39486[F] dated 20/12/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-39201[F] dated 17/12/2021)

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ARK(CO)
KB(05.01.2022) 3P 5C