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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.6391 OF 2022

AND

W.M.P.NOS.6472 & 6474 OF 2022

1. N.Saminathan,
2. G.S.Priyadharshini,
3. B.S.Sasiprabha,
4. D.Gunasekar,
5. S.Prakash

... Petitioners

Vs

1. The District Registrar Office,
Tirupur District,
Tirupur.
2. N.Subramaniam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ or Order or any other direction in the nature of a Writ of Certiorari calling for the records of the 1st Respondent pertaining to his notice Na.Ka.No.58/A5/2022 dated 20.01.2022 and quash the same.

For Petitioner ... Mr.K.S.Karthik Raja

For Respondents ... Mr.Yogesh Kannadasan,
Special Government Pleader for R1

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned show cause notice dated 20.01.2022 issued by the 1st Respondent herein.



2. Mr. Yogesh Kannadasan, learned Special Government Pleader takes notice for the 1st Respondent.

3. It is the case of the petitioners that the 2nd Respondent who is the original owner of the subject property, had filed a suit in O.S.No.135 of 2019 on the file of the sub Court, Palladam to declare the settlement deed which was executed in favour of the petitioner in respect of the property as null and void. However, during the pendency of the suit, the 1st petitioner had executed a settlement deed in favour of his daughters, which resulted in the 2nd Respondent filing a petition, before the 1st Respondent, pursuant to which, the 1st Respondent had issued a show cause notice dated 20.01.2022 directing the petitioner to appear for hearing. However, the objection was made by the 1st petitioner by way of a counter. Since, the same has not been considered, the petitioner has come up before this Court by way of a Writ Petition.

4. Learned counsel for the petitioner submits that, while the suit with regard to the settlement deed in respect of the subject property is pending before the competent civil court, the 1st Respondent has no authority to issue a show cause notice. Therefore, the notice impugned in this Writ Petition is liable to be set aside. Further, this Court may issue a direction to the 1st Respondent to consider the petitioner's objection made by way of a counter on merits within the time stipulated by this Court.

5. On the above contention, heard the learned Special Government Pleader appearing for the 1st Respondent and perused the materials available on record.

6. It has been the consistent view that the Courts shall not normally interfere with the show cause notice unless it is issued without authority. It is not the case of the petitioner that the respondent has no authority to issue the show cause notice. Therefore, the Writ Petition filed challenging the show cause notice cannot be entertained as the same cannot be found fault with. However, in view of the limited request made by the petitioner, this Court, is inclined to issue a direction to the petitioner to appear before the 1st Respondent and on such appearance, the 1st Respondent herein is directed to consider the objection of the petitioner made by way of a Counter, on merits and pass appropriate orders on the same, in the light of the suit pending before the civil court, within a period of eight weeks from the date of receipt of a copy of this order.



7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the Connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

NHS

To

The District Registrar Office,
Tirupur District,
Tirupur.

+1cc to the Government Pleader, S.R.No.19913

W.P.No.6391 of 2022

MT (CO)
RLP(10/06/2022)