



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.24907 of 2018

and

W.M.P.No. 28945 of 2018

S.Sathishkumar,
S/o.late Sambandam

... Petitioner

Vs.

1. The District Registrar (Admn.),
O/o. The District Registrar North Chennai,
Kuralagam Main Building, I Floor,
Brodway, Chennai-600 108.

2. Mrs. Ramani,
D/o.late Krishnasamy Mudali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the 1st respondent in his proceedings No.1290/B5/2018, dated 21.08.2018 and quash the same as arbitrary, illegal, against the principles and law and wholly without jurisdiction and also colourable exercise of power.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr. P.Satish,

Addl. Govt. Pleader for R1

Mr. Om Prakash,

Senior Advocate

for Mr.Prem Narayan for R2

O R D E R

(The case has been heard through video conference)

Challenging the enquiry notice dated 21.08.2018 issued by the 1st respondent District Registrar, the present Writ Petition has been filed.

2. The enquiry sought to be conducted, based on the complaint given by the 2nd respondent regarding alleged forgery of documents before the 1st respondent, the enquiry has been



initiated by the 1st respondent, District Registrar. Now, challenging the same, the petitioner is before this court by way of filing the present Writ Petition.

3. Mr.R.Munuswamy, learned counsel appearing for petitioner would submit that, there is a civil dispute between the parties in respect of disputed property, a civil suit is pending between the parties. But, without considering the same, the 1st respondent District Registrar had called for enquiry. Hence, the impugned enquiry notice is liable to be set aside.

4. Considering the fact that it is only an enquiry notice issued by the 1st respondent District Registrar. If at all, the petitioner has any valid objection, it is always open to the petitioner to appear before the 1st respondent and put forth his objections. Without doing so, the petitioner cannot challenge the enquiry notice under Art.226 of Constitution of India.

5. In the above circumstances, the petitioner is directed to appear before the 1st respondent and file his objections along with relevant documents within a period of two weeks from the date of receipt of copy of this order. Thereafter, the 1st respondent is directed to proceed with the enquiry and pass suitable orders on merits and in accordance with law after hearing the petitioner as well as 2nd respondent within a period of six weeks. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpp

To

The District Registrar (Admn.),
O/o. The District Registrar North Chennai,
Kuralagam Main Building, I Floor,
Brodway, Chennai-600 108.

+1cc to Mr.Prem Narayan, Advocate, S.R.No.10539

W.P.No.24907 of 2018

MG(CO)
CT 16/03/2022