



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No.19462 of 2018
and
WMP Nos.22893 & 22894 of 2018

Smt. Gilda Johsianelroudayermarie Samuel
D/o. Aroquiamarie Marie Stella,
No.33, Needarajapayer Street,
Pondicherry
Vs
... Petitioner

1. The Government of Pondicherry
rep. by its Secretary,
Revenue Department,
Pondicherry.
2. The District Collector-cum-
Special Secretary (Revenue),
Government of Pondicherry,
Pondicherry.
3. The District Registrar,
Registration Department,
Government of Pondicherry,
Pondicherry.
4. S. Suganthi
5. Saravanane

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned proceedings dated 01.06.2018 vide No.1887/RD/SR-Admin/DRP/2018/674, issued by the 3rd respondent and quash the same.

For petitioner ... Mr. B. Balavijayan

For respondents ... Mr. V.P.Chamuraj,
Government Advocate (Pondy)
for R1 to R3

... Mrs. R. Kalaiyarasi
for R4 & R5



ORDER

This writ petition has been filed challenging the enquiry notice, issued by the District Registrar, Pondicherry, directing the petitioner to appear for enquiry in respect of a complaint relating to a document No.29893/2016(B-1), dated: 26.12.2016 .

2. The document under dispute is a settlement deed said to have executed by the mother of the petitioner, who claims to be the owner of the disputed property, in favour of the petitioner. The respondents 4 and 5, who are said to be tenants in the property, alleging that the petitioner's mother is no way related to that property and by creating a forged document, she had executed the settlement deed in favour of the petitioner and registered the same and filed a complaint before the registrar to cancel the document. Based on that, the present impugned notice has been issued for enquiry.

3. I have heard both sides and perused the materials available on records carefully.

4. Considering the fact that it is only a notice for enquiry, the petitioner can appear before the District Registrar, Puducherry and submit her objection. Without doing so, she cannot challenge the impugned notice. Hence, this writ petition is not maintainable.

5. Considering the facts and circumstances of the case, without going into the merits of the case, the petitioner is directed to appear before the 3rd respondent/District Registrar, Puducherry and submit her objection, and on filing such objection, the 3rd respondent/District Registrar, Puducherry, is directed to conduct enquiry and pass suitable orders on merits and in accordance with law, after giving opportunity to both the parties, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp



1. The Secretary,
The Government of Pondicherry
Revenue Department,
Pondicherry.

3. The District Registrar,
Registration Department,
Government of Pondicherry,
Pondicherry.

W.P. No.19462 of 2018

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