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W.P. No.20743 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.20743 of 2022 and
W.M.P.Nos.19827 and 19828 of 2022

1. T.S.Mahendran
2. D.Sathishkumar

... Petitioners

Vs.

1. The District Registrar,
Coimbatore District,
State Bank Road,
Coimbatore – 641 018.

2. The Sub-Registrar,
Coimbatore Joint II,
Coimbatore.

3. S.Poonjothi

4. Malarkodi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent in Na.Ka.No.7358/E2/2022, dated 30.06.2022, and quash the same.

For Petitioners : Mr.S.Gopinathan

For R1 and R2 : Mr.G.Krishna Raja
Additional Government Pleader

For R3 and R4 : Mr.R.Jayaprakash



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ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorari to quash the proceedings of the first respondent in Na.Ka.No.7358/E2/2022, dated 30.06.2022.

2. W.M.P.No.19827 of 2022 is allowed, subject to payment of separate sets of Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

3. The case of the petitioners is that originally the land measuring an extent of 25 cents each in S.No.139/1B was acquired by the third and fourth respondents by virtue of settlement deed dated 04.12.2002 executed by their father namely Somasundaram. Thereafter, the respondents 3 and 4 executed a General Power of Attorney dated 29.12.2006, appointing one Arulnadhan as the Power of Attorney in respect of the subject matter. Subsequently, the power holder of the respondents 3 and 4 executed sale deeds dated 19.05.2009 in favour of the petitioners. While that being so, the third and fourth respondents gave hindrance to the petitioners possession, hence, the petitioners filed a suit in O.S.No.2118 of 2014 seeking injunction against the respondents 3 and 4 and the same is pending before the District Munsif Court.



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However, the respondents 3 and 4 approached the first respondent vide complaint dated 22.06.2022 to cancel the sale deed dated 19.05.2009 on the ground that the said deed is a bogus one, pursuant to which, the first respondent issued the impugned notice dated 30.06.2022 directing the petitioners to appear before him for enquiry on 13.07.2022. Challenging the said impugned notice dated 30.06.2022, the present writ petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioners submits that though the impugned notice dated 30.06.2022 was issued by the first respondent, the enquiry was already concluded and held in favour of the petitioners. Hence, he prayed for passing appropriate orders.

5. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the enquiry will be concluded and appropriate orders will be passed, if not already concluded within the time frame that may be stipulated by this Court.

6. Heard learned counsel appearing on either side and perused the



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materials placed before this Court.

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7. In view of the stand taken by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court directs the first respondent to conclude the proceedings dated 30.06.2022, if not already concluded and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioners as well as aggrieved persons if any, including the third and fourth respondents within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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RAP

Index : Yes / No

Speaking order : Yes / No

To

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M.DHANDAPANI, J.

RAP

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