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W.P.No.34606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34606 of 2022
and W.M.P.No.34049 of 2022

Natarajan

.... Petitioner

-Vs-

1.The District Registrar
Salem (East)
2.Illayappan

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in the file of the 1st respondent in proceedings Na.Ka.No.5672/E5/2022 dated 21.09.2022 and 01.11.2022 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Ms.E.Yuvarani
For Respondents : Mrs.Akila Rajendran
Government Advocate – for R1

ORDER

The prayer sought for herein is for a Writ of Certiorari to call for the records in the file of the 1st respondent in proceedings Na.Ka.No.5672/E5/2022 dated 21.09.2022 and 01.11.2022 and quash the same as illegal, incompetent and without jurisdiction.



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2. Even though summons dated 21.09.2022 issued by the 1st respondent under Section 77A of the Registration Act is under challenge in this writ petition, when the writ petition is taken up for hearing, at the admission stage, learned counsel for the petitioner, on instructions would submit that the 1st respondent has already conducted enquiry, where the written submissions have been filed by the petitioner, where the petitioner has stated that, in respect of the land in question, already a civil suit is filed, which is pending consideration. Therefore, that aspect can be taken into account by the 1st respondent before passing any order disposing of the complaint given by the 2nd respondent under Section 77A of the Act.

3. Heard Ms.E.Yuvarani learned counsel for the petitioner and Mrs.Akila Rajendran learned Government Advocate for the respondents.

4. Learned Government Advocate submits that whatever plea raised by the petitioner in respect of the complaint given against the petitioner before the District Registrar would be taken into account and orders would be passed on merits.



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5. Considering the said submission made by both sides, this Court is inclined to dispose of this writ petition with the following order.

- That it is open to the petitioner to make any further grounds to be urged before the 1st respondent by way of written submissions and that can be filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order.
- On receipt of the same, the 1st respondent shall consider all those submissions and decide the complaint given by the 2nd respondent within the meaning of Section 77A of the Act and accordingly pass orders thereon on merits and in accordance with law within a period of six 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.

22.12.2022

Index : Yes/No
Internet : Yes/No
KST

To

The District Registrar
Salem (East)



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R. SURESH KUMAR, J.

KST

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