



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2918 of 2022

S.M.Gajendran

... Petitioner

/Vs./

The Deputy Inspector
General of Registration,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to Notice / Summon in Na.Ka.No.3684/E1/2021 dated 04.02.2022 issued by the Respondent and quash the same.

For Petitioner : Mr.B.Naresh
For Respondent : Mr.S.Shamugavel
Additional Government Pleader

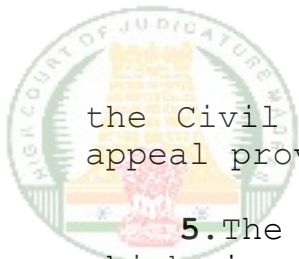
ORDER

This writ petition has been filed challenging the notice issued to the petitioner dated 04.02.2022 in a statutory appeal filed aggrieved by the order passed under Section 68 (2) of the Registration Act, 1908.

2.The grievance of the petitioner is that he is a senior citizen, aged 85 years and only to harass the petitioner, a complaint has been lodged by a third party before the Registration Department. The case of the petitioner is that despite an order having been passed by the District Registrar, under Section 68 (2) of the Registration Act, 1908, directing the parties to approach the Civil Court, the complainants have preferred an appeal against that order, only to harass the petitioner herein.

3.According to the petitioner, he has sold the subject property having got valid title over the same. Despite the same, a false complaint has been lodged against the petitioner, as if a fraudulent document was registered by the Registration Department. The petitioner denies the allegations of the complainants, who had lodged the complaint with the District Registrar, which was the subject matter of the order dated 02.07.2021 passed by the District Registrar.

4.As seen from the aforementioned proceedings, a statutory appeal has been preferred before the Deputy Inspector General of Registration aggrieved by the order dated 02.07.2021 passed by the District Registrar, wherein the parties were directed to approach



the Civil Court. Nobody can prevent the filing of the statutory appeal provided for under the Registration Act, 1908.

5.The said appeal, in which the petitioner has received notice, which is impugned in this writ petition has been filed only in accordance with the statutory provisions as provided for under the Registration Act, 1908. This being the case, this writ petition cannot be entertained by this Court under Article 226 of the Constitution of India, even though the petitioner may be a senior citizen and aged 85 years.

6.According to the petitioner, only to harass him, an appeal has been preferred by the complainants alleging that the documents executed by the petitioner are fraudulent. The contention raised by the petitioner in this writ petition can be decided only in the statutory appeal, in which the petitioner has received a notice, which has been impugned in this writ petition. Without contesting the same on merits and in accordance with law, the petitioner has prematurely approached this Court under Article 226 of the Constitution of India.

7.Hence, this Court is of the considered view that the present writ petition is not maintainable, as this Court cannot prevent the complainants from exercising their statutory right of appeal as prescribed under the provisions of the Registration Act, 1908. The only remedy available for the petitioner is to raise all the defences available to him under law in the said appeal, which is impugned in this writ petition.

8.Therefore, this writ petition is disposed of by granting liberty to the petitioner to raise all defences available to him under law including the grounds, which have been raised in this writ petition in the impugned appeal, in which he has received a notice/summon dated 04.02.2022.

9.The learned counsel for the petitioner submits that the petitioner is a senior citizen and aged 85 years and he may be not in a position to personally attend to the appeal proceedings pending on the file of the respondent and therefore, he may be permitted to submit his written submissions raising all defences available to him under law.

10.The said statement is recorded by this Court. After recording the same, this Court permits the petitioner to submit his written submissions in the appeal filed by the complainants, which is pending on the file of the respondent and the respondent shall take the written submission on file and as and when it is received consider the same on merits and in accordance with law and pass appropriate orders, after affording a fair hearing to all the parties concerned, within a period of twelve (12) weeks from the



date of receipt of a copy of this order. There shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (T&P)

/ /2022

Sub Assistant Registrar(CS)

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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

The Deputy Inspector
General of Registration,
Tiruchirappalli.

+1 CC to M/s.B.NARESH, Advocate (SR-6259[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6205[F] dated 15/02/2022)

order made in

W.P. [MD]No.2918 of 2022

Dated:

14.02.2022

SRR (CO)

GC (07.03.2022) 3P 4C