



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5315 of 2022

and

W.M.P.[MD]No.4322 of 2022

WEB COPY

Ramalingam

... Petitioner

/Vs./

1.The District Registrar (Administration)/
Assistant Inspector General of Registration,
Integrated Registration Office,
Collectorate Campus, Dindigul - 624 004.

2.The Sub Registrar,
Joint Sub Registration Office-II,
Dindigul.

3.P.Bharathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the Impugned Enquiry Notice issued by the 1st Respondent in Na.Ka.No.415/Aa3/2022, dated 04.02.2022 and quash the same as illegal.

For Petitioner : Mr.J.Lawrance
For R1 & R2 : Mr.S.Shanmugavel
Additional Government Pleader

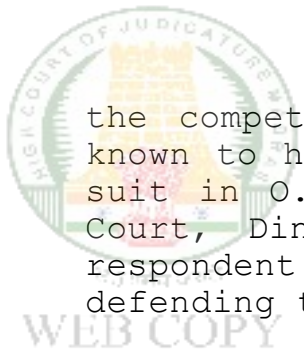
ORDER

This writ petition has been filed challenging the enquiry notice dated 04.02.2022 issued by the first respondent on the following grounds:

(a) The enquiry notice is issued without jurisdiction and is patently illegal;

(b) The first respondent being a statutory authority is authorized only to enquire the issue of cancellation of the deeds under Section 22-A of the Registration Act, 1908. In the present case, the same does not come within the purview of aforesaid Section, as there is no forgery or impersonation committed by the petitioner.

2.The third respondent, if at all aggrieved, has to approach
<https://hcservices.ecourts.gov.in/hcservices/>



the competent civil Court to establish her rights in the manner known to her under law. The petitioner has already filed a civil suit in O.S.No.318 of 2021 before the Additional District Munsif Court, Dindigul, pertaining to the very same trust. The third respondent also entered appearance in the said suit and is defending the said case.

3.Admittedly, the impugned notice is only an enquiry notice calling upon the petitioner to come for enquiry based on the third respondent's complaint. The petitioner has also submitted a written reply dated 10.02.2022 to the impugned notice, under which a detailed explanation has been given denying the allegations of the third respondent. Admittedly, no final orders have been passed till date by the first respondent. Instead of pursuing the enquiry proceedings, the petitioner has approached this Court.

4.The truth will come out, only after enquiry is conducted and final orders are passed by the first respondent, after affording a fair hearing to the petitioner as well as the third respondent. Instead of participating in the enquiry proceedings and waiting for the outcome of the enquiry proceedings, the petitioner has approached this Court. This Court is of the considered view that this writ petition has been filed prematurely. However, the first respondent will have to consider the grounds raised in this writ petition, which have been reiterated in the reply sent by the petitioner to the impugned enquiry notice, in the final orders to be passed by him.

5.For the foregoing reasons, this writ petition is disposed of by directing the first respondent to pass final orders pursuant to the impugned enquiry notice, after affording a fair hearing to the petitioner and the third respondent, including the right of personal hearing, after giving due consideration to the contentions raised by the petitioner in his reply dated 10.02.2022, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (R)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1.The District Registrar (Administration)/
Assistant Inspector General of Registration,
Integrated Registration Office,
Collectorate Campus, Dindigul - 624 004.

2.The Sub Registrar,
Joint Sub Registration Office-II,
Dindigul.

+1 CC to M/s.SPL GP (SR-14836[F] dated 28/03/2022)

order made in

W.P. [MD]No.5315 of 2022

Dated:

25.03.2022

PA(11.04.2022) 3P 4C