



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.10040 of 2022

B.Benazir

... Petitioner

/Vs./

1.The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2.The Sub Registrar,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of MANDAMUS to direct the first and second respondent not to conduct further proceedings in Na.Ka.No.3887/A1/2021.

For Petitioner : Ms.K.M.Priscilla Jancy
For Respondents : Mrs.D.Farjana Ghaushia
Special Government Pleader

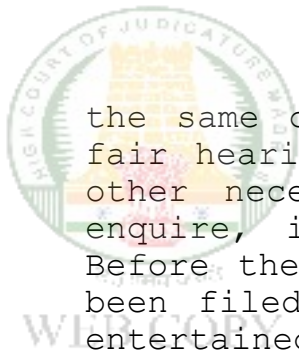
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents not to conduct enquiry proceedings in Na.Ka.No.3887/A1/2021, initiated by the second respondent, based on a complaint given by a third party, seeking for cancellation of the petitioner's document, which was registered before the second respondent.

2.It is settled law that the enquiry proceedings can be challenged, only when the same has been initiated without jurisdiction or without authority under law.

3.In the instant case, the second respondent is empowered to initiate enquiry, based on a complaint given by the third party alleging that the document registered in favour of the petitioner is a fraudulent document. The petitioner has participated in the enquiry and thereafter has filed this writ petition.

4.The petitioner has raised several contentions in this writ petition. The petitioner has already submitted an explanation to the second respondent objecting to the request made by the third party seeking for cancellation of the registered document, which stands in her favour. It is for the second respondent to consider



the same on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the complainant and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing. Before the final orders are passed, the present writ petition has been filed pre-maturely. Therefore, at this stage, it cannot be entertained by this Court.

5. For the foregoing reasons, this writ petition is disposed of by directing the second respondent to consider the grounds raised in this writ petition, which have already been submitted in the form of explanation by the petitioner before the second respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the complainant and any other necessary parties, whom the second respondent deems fit to enquire, including granting them the right of personal hearing. There shall be no order as to costs.

Sd/-

Vacation Officer/
Assistant Registrar (RTI)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

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To

1. The District Registrar,
Ramanathapuram,
Ramanathapuram District.

2. The Sub Registrar,
Ramanathapuram, Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-24087[F] dated 23/05/2022)

order made in
W.P.[MD]No.10040 of 2022

Dated:

20.05.2022

NSN (CO)

GC(30.05.2022) 2P 4C