



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.22040 of 2021

and

W.M.P.[MD]No.18649 of 2021

WEB COPY

1.A.Kennedy

2.K.Josephine Mary

... Petitioners

/Vs./

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram, Chennai - 600 028.

2.The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Rajakampeeram, Y.Othakadai, Madurai District.

3.The District Registrar (ADMIN),
O/o. The District Registrar,
(In the Rank of DIG),
Madurai North, Rajakampeeram,
Y.Othakadai, Madurai District.

4.The Sub-Registrar,
Tallakulam, Rajakampeeram,
Y.Othakadai, Madurai District.

5.Jeyapriya Mary

6.A.Edwin Aldrin

... Respondents

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 the impugned Notice in Na.Ka.No.4082/R2/2021 dated 17-11-2021 on the file of the Respondent No.3 and quash the same as illegal.

For Petitioners	: Mr.Arjun Varman for Mr.T.Lajapathi Roy
For R1 to R4	: Mr.S.Shanmugavel Additional Government Pleader
For R5	: No appearance
For R6	: Mr.Neethimohan



ORDER

This writ petition has been filed challenging the enquiry proceedings initiated against the petitioners, based on a complaint given by the sixth respondent. The petitioners have raised the following grounds:

(a) The third respondent does not have authority to enquire into the matter and only the Civil Court is empowered to decide the complaint given by the sixth respondent;

(b) The genuineness of the gift deed registered as Document No.441/2006 can be gone into only by the Civil Court and not by the third respondent;

(c) The third respondent had become Functus Officio, since an identical complaint was taken up for detailed enquiry and orders were passed on 08.02.2013 in No.1773/A1/2012;

(d) The subject matter of the complaint, which is challenged in this writ petition is also the subject matter of a writ petition, namely, WP(MD)No.6818 of 2013;

(e) The third respondent has superseded the powers of the Civil Court.

2.Admittedly, no final orders have been passed pursuant to the enquiry commenced by the third respondent. The contention of the petitioners as seen from the grounds stated supra is that the third respondent is not having the authority to hold the enquiry with regard to the complaint given by the sixth respondent seeking for cancellation of the gift deed dated 13.02.2006 registered as Document No.441/2006.

3.However, it is the contention of the sixth respondent as seen from the counter affidavit that the third respondent is having the powers to hold an enquiry, which has been challenged in this writ petition. According to him, the gift deed has been executed fraudulently.

4.The learned counsel appearing for the petitioners, on instructions, would submit that if the contentions of the petitioners referred to supra are considered by the third respondent in the final order to be passed by him, the petitioners are willing to participate in the enquiry proceedings without prejudice to his rights and contentions.

5.After recording the submission made by the learned counsel appearing for the petitioners, this Court is of the considered view that no prejudice would be caused to any of the parties, if such a direction is issued by this Court.

6.Accordingly, this Writ Petition is disposed of by directing the third respondent to consider the grounds raised in this writ



petition, which have been stated supra as grounds (a) to (e) and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the respondents 5 and 6, including granting them the right of personal hearing, within a period of eight [8] weeks from the date of receipt of a copy of this order.

7. 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(CS I)

/TRUE COPY/

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Mandavelipakkam, Raja Annamalaipuram, Chennai - 600 028.

2. The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Rajakampeeram, Y.Othakadai, Madurai District.

3. The District Registrar (ADMIN),
O/o. The District Registrar,
(In the Rank of DIG), Madurai North, Rajakampeeram,
Y.Othakadai, Madurai District.

4. The Sub-Registrar,
Tallakulam, Rajakampeeram,
Y.Othakadai, Madurai District.

+1 CC to M/s.K. NEETHI MOHAN, Advocate (SR-17439[F] dated
08/04/2022)

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-17083[F] dated
07/04/2022)

order made in

W.P. [MD]No.22040 of 2021

Dated:

06.04.2022

MK/27.04.2022/3P/7C