



W.P.(MD)No.25650 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.25650 of 2022

and

W.M.P.(MD)No.19744 of 2022

1.K.Rathina Devi

2.A.Kamaraj

3.K.Agastin Amirtham Chellaiah

... Petitioners

Vs.

1.The District Registrar,
District Registrar's Office,
Tenkasi, Tenkasi District.

2.Y.Easuvadiyan Jayachandran

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the communication sent by the first respondent under reference Na.Ka.No.4691/A2/2021, dated 18.10.2022 and also not to proceed with further in the enquiry proceedings of the first respondent in connection with the settlement deed bearing document Nos.4626/2018 and 5707/2018 as executed by the petitioner's husband in favour of herself and her son in respect of the property bearing Survey No.193/1 situated at Rajagopalaperi Village, V.K.Pudur Taluk, Tenkasi District by the petitioner's deceased father in law forthwith.



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enjoyment of the same. While so one Paulraj claiming right over the said property as it is belonged to Nadar Samuthayam, has filed a suit in O.S.No.236 of 2021 and the same is pending for adjudication before the concerned Court.

3. Thereafter, the petitioners noticed that some encumbrances in the said property had been made in favour of the said Nadar Samthayam. Hence, they made a representation to the first respondent seeking to rectify the same. Since no action had been taken on the same, the petitioner filed a writ petition and got a direction to dispose of the said representation. Even thereafter, the official respondents did not take any action to rectify the said defect.

4. At this juncture, the petitioners received a notice from the District Registrar (Admin) based on the complaint made by the second respondent contending that the petitioners have registered a false deed in respect of the property in question on 18.10.2022. Challenging the same, the petitioner has filed the present writ petition.

5. The learned counsel for the petitioners submitted that the property originally belonged to the father of the second petitioner and the same was bequeathed in favour of the second petitioner by way of an registered Will. The plea taken by the second respondent, that the Will executed by the father of the second petitioner is a fraudulent document, is not at all sustainable in the eye of law. The second respondent is no way related to the family. The



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document of settlement deed relied upon by the second respondent came to be registered after the Will was executed in favour of the second petitioner by his father. The father of the second petitioner had gifted a portion of the property only to CSI church and there is no deed in favour of the Nadar Samuthayam. The second respondent with an intention to illegally grab the land of the petitioners made the representation before the first respondent. Hence, the petitioner seeks to quash the notice issued by the first respondent against the petitioners herein.

6. Admittedly, no final orders have been passed by the first respondent, with regard to the observations made against the petitioner by the first respondent in the impugned communication dated 18.10.2022. An enquiry proceedings has been initiated and the petitioner has received a notice dated 18.10.2022 from the first respondent.

7. In the said enquiry proceedings, admittedly, no final orders have been passed and the petitioner was only been called upon to attend the enquiry on 07.11.2022 at 11.00 a.m.. The petitioner can very well give her explanation and objections in the said enquiry.

8. This Court is of the considered view that prematurely, the petitioner has approached this Court under Article 226 of the Constitution of India,



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instead of participating in the enquiry and submitting her explanation with regard to the documents in question. Therefore, the writ petition at this stage is not maintainable. However, the petitioner's grievances stated in the affidavit filed in support of this writ petition have to be necessarily considered by the first respondent in the enquiry proceedings, which has already been commenced.

9. Therefore, this Writ Petition is **dismissed** by granting liberty to the petitioner to submit her written explanation to the first respondent, in the enquiry proceedings initiated by him, as reflected in the communication dated 18.10.2022 received from the first respondent by the petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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(2/2)

Index : Yes/No
Internet : Yes/No
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To

The District Registrar,
District Registrar's Office,
Tenkasi, Tenkasi District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.25650 of 2022

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