



WEB COPY



W.P.No.2320 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.2320 of 2023 and
W.M.P.No.2391 of 2023

1.K.Krishnamurthy

2.K.Santhi

3.C.Rajagopal

4.P.Menaka

5.S.Girija

Petitioners represented by
their Power Agent E.Gopi,
S/o.Elavarasan, Door No.3,
Main Road, Siruvangur Village,
Kallakurichi Taluk,
Kallakurichi District.

... Petitioners

Vs

1.The District Registrar (Administration),
Office of the District Registrar,
Kallakurichi.

2.The Joint Sub-Registrar-II,
Kallakurichi.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent dated 10.01.2023 in Na.Ka.No.6335/A4/2022 and quash the same.

For Petitioners : Mr.K.Selvaraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

WEB COPY The prayer sought for herein is for a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent dated 10.01.2023 in Na.Ka.No.6335/A4/2022 and quash the same.

2. In respect of documents registered at Sub Registrar, Kallakurichi in Document Nos.5268/2022, 5739/2022, 5715/2022, 6054/2022, 6056/2022, 6057/2022, there has been a complaint to seek for cancellation of such documents within the meaning of Section 77-A of the Registration Act, having entertained the said complaint, the District Registrar i.e., the 1st respondent herein has issued a summon to the petitioner on 10.01.2023 the said summon is under challenge in this writ petition.

3. Mr.K.Selvaraj, learned counsel appearing for the petitioners would contend that, the petitioners are ready and willing to cooperate with the enquiry to be conducted by the 1st respondent pursuant to the impugned summon, however the copy of the complaint and allied documents if any to be relied upon by the 1st respondent since have not been furnished to the petitioners, on such appearance let the documents



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be furnished and thereafter an opportunity of being heard to be given to the petitioners so that the petitioners can give their defence to defend the documents in question.

4. Heard Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents who would submit that, if the petitioners appeared before the 1st respondent pursuant to the impugned summon, certainly the copy of the complaint as well as if any documents have been filed or going to be relied upon by the 1st respondent District Registrar in support of the complaint, those documents also along with the copy of the complaint would be furnished to the petitioners, who on receipt of the same, shall give a reply or defence within a time frame to be stipulated by the 1st respondent thereupon after completing the enquiry final orders would be passed by the 1st respondent, he contended.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Even though the said challenge was made in the writ petition, in



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view of the stand now taken by the learned counsel appearing for the petitioners as has been stated herein above, this Court feels that, the 1st respondent, on appearance, a copy of the complaint as well as allied documents shall provide to the petitioners. Therefore in that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 1st respondent to furnish the copy of the complaint given against the petitioners along with any other documents filed by the complainant against the petitioners to substantiate their stand that the document in question is a fraudulent or bogus document and on furnishing the same, it is open to the petitioners to take their defence to file a detailed reply within a period of two weeks thereafter and after receiving such reply or after lapse of aforesaid period as indicated above, it is open to the 1st respondent to proceed with the enquiry and complete the same and pass necessary orders on merits and in accordance with law within a period of six weeks thereafter.



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7. With these directions, this Writ Petition is disposed of. No costs.

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Consequently, connected miscellaneous petition is closed.

31.01.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To

1.The Sub Collector,
Office of the Sub Collector,
Hosur – 635 109,
Krishnagiri District.

2.The Tahsildar,
Hosur – 635 109,
Krishnagiri District.



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R.SURESH KUMAR, J.

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