



WEB COPY



W.P.No.6179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6179 of 2023 and

W.M.P.No.6186 of 2023

T.K.Ashraf

.. Petitioner

vs

1. The District Registrar

Integrated Building for the Offices of the
Commercial Taxes and Registration Department
Fanepet, Nandanam, Chennai – 600 035.

2. B.Ragupathy

3. M.Chitra

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the proceedings records of the first respondent in No.18869/E2/2022 dated viz,. 03.11.2022, 24.11.2022 and 19.01.2023 and quash the same.

For Petitioner : Mr.C.Grisbabu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for respondent 1

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus, calling for the records of the first respondent in No.18869/E2/2022 dated 03.11.2022, 24.11.2022 and 19.01.2023 and quash the same.



W.P.No.6179 of 2023

WEB COPY

2. The private respondents had given a complaint on 27.09.2022 against the petitioner, pertaining to the Document No.8869/2009 registered on the file of the Sub Registrar, Kunrathur and to enquire the matter and to decide the same under Section 77A of the Registration Act.

3. Having entertained the said complaint given by the private respondents, the first respondent / District Registrar, in order to conduct an enquiry, had issued summons on 03.11.2022 and again on 24.11.2022, requiring the petitioner to appear before him within fifteen days and to file documents to substantiate the contention of the petitioner that the document in question is a genuine document. The said two summons dated 03.11.2022 and 24.11.2022 are impugned herein.

4. Mr.C.Grisbabu, learned counsel appearing for the petitioner submits that, pursuant to these summons, the petitioner already appeared before the first respondent and had produced necessary documents in support of his claim that the document in question is a genuine document and in this regard, in fact, a suit has also been filed before the concerned Civil Court, which is pending, where, the defendant filed a written statement. Therefore, at this juncture, the



W.P.No.6179 of 2023

first respondent / District Registrar cannot proceed further in the enquiry which he has commenced through the summons issued which are impugned herein.

5. However, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent would submit that, the power vested with the Registrars under Section 77A of the Registration Act is a quasi judicial power, which cannot be denuded merely because the parties, *inter se*, a civil suit has already been filed and is pending in respect of the very same property. Therefore, the enquiry, as triggered by the first respondent through the impugned summons, cannot be stopped. Therefore, if the petitioner already appeared and had given documents and inputs in respect of his case, that would be taken and considered by the first respondent and after hearing the private respondents, who are the complainants, the issue would be decided on merits and in accordance with law within a time frame.

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

7. As has been rightly pointed out by the learned Special Government



W.P.No.6179 of 2023

Pleader, the quasi judicial power vested in the District Registrars under Section 77A of the Registration Act cannot be taken away or denuded and therefore, there is no impediment for the first respondent to entertain any complaint, if *prima facie* made out, and accordingly, if any summons issued to the parties, ie., the persons against whom such complaint is given and in this case, it is made against the petitioner, then such summon should be responded and the petitioner is at liberty to put forth his case by appearing before the first respondent.

8. In this case, since the petitioner had already approached and given his inputs, the same shall be considered and after hearing both the petitioner as well as the second and third respondents, final decision shall be taken by the first respondent on the complaint given by the private respondents within a period of eight weeks from the date of receipt of a copy of this order.

9. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index: Yes/No
Neutral Citation :Yes/No
drm

28.02.2023



WEB COPY



W.P.No.6179 of 2023

To

1. The District Registrar
Integrated Building for the Offices of the
Commercial Taxes and Registration Department
Fanepet, Nandanam, Chennai – 600 035.



WEB COPY



W.P.No.6179 of 2023

R. SURESH KUMAR, J.

(drm)

W.P.No.6179 of 2023 and
W.M.P.No.6186 of 2023

28.02.2023