



WEB COPY



W.P.No.9548 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9548 of 2023

1.C.Pachaiappan
2.Kamatchi
3.Durai

...Petitioners

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram,
Chennai – 600 028.

2.The District Registrar (Admin),
District Registrar Office,
Tiruvannamalai – 606 601.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in Letter No.7268/E/2022, dated Nil.01.2023, received by the petitioner on 27.02.2023 and quash the same and consequently direct the second respondent to entertain the complaint of the petitioners, dated 02.11.2022 and afford opportunity to the petitioners and dispose the same in accordance with law.



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For Petitioners : Mr.N.Palanikumar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.N.Palanikumar, learned counsel for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents.

2.The writ petition has been filed, challenging the Letter No.7268/E/2022, dated Nil.01.2023, addressed by the second respondent and seeking for a direction to the second respondent to entertain the complaint of the petitioners, dated 02.11.2022 and dispose of the same in accordance with law.

3.Based on the petitioners' complaint dated 02.11.2022, the second respondent had conducted an enquiry under Section 77A of the Registration Act and passed an order in the month of January 2023, which is impugned in the present writ petition. The second respondent had held that power to sell the subject properties was given by the petitioners to the Power Agent and therefore, there is no merit in the



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claim of the petitioners.

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4.The learned counsel for the petitioners submitted that no opportunity was given to the petitioners while the impugned order was passed.

5.Section 77A of the Act provides that whenever a complaint is received from any person, the concerned Registrar shall issue a notice to the executant and all the parties to the documents and parties to the subsequent documents, who may be affected by the cancellation of the documents and thereafter, conduct an enquiry in accordance with the procedure contemplated therein.

6.The impugned order does not indicate that such notice was given to the petitioners. On this short ground, the order is in violation of principles of natural justice and hence, cannot be sustained.

7.In the light of the above observations and findings, the impugned



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Letter No.7268/E/2022, dated Nil.01.2023 is set aside and the matter is remitted back to the second respondent for fresh consideration. The second respondent shall pass fresh orders, after conducting enquiry by giving notice to the petitioners as well as all other interested persons, whose names are found in the Sale Deed and pass appropriate orders on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition stands disposed of.

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

vga



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M.S.RAMESH,J.

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