



W.P.No.10570 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10570 of 2023

and

W.M.P.No.10506 of 2023

1.Annapoorni
2.R.Govindasamy
3.G.Ganesh

...Petitioners

-Vs-

1.The District Registrar,
Office of District Registrar,
1/529, Nerupperichal Village,
Pooluvapatti Post,
Tirupur – 641 602.

2.Swarnambal
3.Amudavalli
4.Geetha Lakshmi
5.Devi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the proceedings in Na.Ka.No.6072/A5/2022 dated 18.01.2023 issued by the 1st respondent and to quash the same.



W.P.No.10570 of 2023

For Petitioners : Mr.S.Sethuraman
For R1 : Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.T.Venkatesh Kumar
Special Government Pleader
For R2 to R5 : Ms.Shri Varshini
for Mr.I.Abrar Md. Abdullah

ORDER

The enquiry call letter issued by the District Registrar, Tiruppur with reference to the complaint given by the 5th respondent under Section 77A of the Registration Act [hereinafter referred to as “the Act”] is under challenge in the present writ petition.

2.It is not in dispute that the 5th respondent filed a complaint before the District Registrar to cancel the registered document. Accordingly, the District Registrar issued summons to the authorities for conducting summary proceedings as contemplated under the Act. The petitioners, instead of participating in the process of enquiry, has chosen to file the present writ petition challenging the summons issued by the District Registrar.



W.P.No.10570 of 2023

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3.No writ against a summon needs to be entertained, unless such notice has been issued by any incompetent authority having no jurisdiction or tainted with the allegations of malafides. In all such circumstances, the party, who receives summons from the statutory authorities, is expected to participate in the process of enquiry for the purpose of defending his case by availing the opportunity.

4.The learned counsel for the petitioners states that already the civil litigation ended in favour of the petitioners and even in the second appeal, the High Court had passed an order which was confirmed by the Hon'ble Supreme Court.

5.The learned counsel appearing for the respondents 2 to 5 submitted that the review petition filed by the 5th respondent is still pending.

6.All these facts can be placed before the competent authority for the purpose of considering the issues raised between the parties. Contrarily,



W.P.No.10570 of 2023

High Court cannot conduct a roving enquiry in a writ proceedings for the purpose of ascertaining the validity of the document and the disputed issues between the parties. Therefore, the petitioner is at liberty to place all the facts and grounds raised in the present writ petition before the District Registrar for the purpose of conducting an enquiry and for disposing of the complaint filed by the 5th respondent.

7. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2023

Index: Yes
Speaking order
hvk



W.P.No.10570 of 2023

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The District Registrar,
Office of District Registrar,
1/529, Nerupperichal Village,
Pooluvapatti Post,
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W.P.No.10570 of 2023

S.M.SUBRAMANIAM, J.

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W.P.No.10570 of 2023

26.07.2023