



WEB COPY

WP No.15778 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.15778 of 2023

And

WMP Nos.15220 and 15222 of 2023

1.Dr.K.Ganesan
2.Dr.G.Rajeshkumar
3.Dr.Sivaraj Babu

... Petitioners

Vs.

1.The District Registrar,
Office of District Registration,
Thiruvallur District.

2.The Sub Registrar,
Uthukottai Registrar Office,
Thiruvallur District.

3.Ettiammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in connection with notice in Na.Ka.No.7457 dated 17.02.2023 issued by the second respondent and quash the same.



WEB COPY

WP No.15778 of 2



For Petitioners : Mr.T.Arul

For Respondents-1 and 2: Mr.D/Ravichander,
Special Government Pleader.

ORDER

An enquiry call letter dated 17.02.2023 issued to the writ petitioners by the first respondent-District Registrar, is under challenge in the present writ petition.

2. The third respondent filed a complaint before the District Registrar regarding the forgery committed by the writ petitioners in registering the documents.

3. Based on the complaint dated 30.12.2022 submitted by the third respondent, the first respondent-District Registrar issued notice to the writ petitioners calling upon them to appear for an enquiry. Instead of appearing before the District Registrar to defend the case, the petitioners have chosen to file the present writ petition.



4. The grounds raised on merits cannot be adjudicated in the writ proceedings and the said grounds are to be adjudicated with reference to the documents and evidences available on record.

5. No writ against an enquiry call letter is entertainable in a routine manner. Only if such notices are issued by an Incompetent Authority having no jurisdiction, then alone the writ proceedings are maintainable, but not otherwise.

6. In the present case, a complaint has been given by the third respondent regarding forged registration of documents by the writ petitioners and the first respondent-District Registrar, therefore, is empowered to conduct an enquiry in the manner contemplated under the provisions of the Statute.

7. This being the factum, the petitioners are at liberty to participate in the enquiry proceedings to be conducted by the first respondent-District Registrar by affording an opportunity to all the parties concerned.



8. With the above liberty, the writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

02-06-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To



WP No.15778 of 2



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2. The Sub Registrar,
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WEB COPY

WP No.15778 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 15778 of 2023

02-06-2023