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W.P.No.19293 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19293 of 2023

and

W.M.P.Nos.18545, 18546 & 18552 of 2023

B.Manoharan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Santhome, Mylapore,
Chennai – 600 004.
- 2.The Deputy Inspector General of Registration,
Coimbatore Zone,
Office of DIG Registration,
Coimbatore.
- 3.The District Registrar (Admin) (AIG Cadre)
Office of District Registrar,
Coimbatore.
- 4.The Sub-Registrar,
Office of the Sub-Registrar,
Gandhipuram,
Coimbatore.
- 5.G.Ravichandran
- 6.Venkateshwaran



7.Chandrakumar

8.Palanisamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings in Na.Ka.No.11017/A1/2021 dated 30.03.2023 passed by the 3rd respondent and quash the same as illegal, non – est in the eye of law during the pendency of the Civil Suits.

For Petitioner

: Mr.S.Sabarivasan

For R1 to R4

: Mr.G.Krishna Raja

Additional Government Pleader

ORDER

The notice issued under Section 77 of the Registration Act for the purpose of conducting an enquiry in respect of the complaint filed by the 5th respondent is under challenge in the present writ petition.

2. The 5th respondent submitted a complaint on 29.03.2023 to cancel the registered document referred in the impugned enquiry notice. The District Revenue Officer is empowered to conduct an enquiry under Section 77-A of the Act for the purpose of cancelling the document through summary



proceedings.

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3. Mere enquiry notice would not provide cause for filing the present writ petition. The petitioner has to submit his explanation or documents, if any before the District Registrar for the purpose of conducting an enquiry.

4. No writ against a notice is entertained in a routine manner. A writ against a notice can be entertained, if issued by an incompetent authority having no jurisdiction or tainted with the allegation of *mala fides*. In all other circumstances, the parties, who have received notice is bound to respond to to the notice by placing their explanation / objection or documents, if any.

5. The grounds raised on merits cannot be adjudicated in a writ proceeding. It is for the petitioner to place all those facts for an effective adjudication by the District Registrar under Section 77-A of the Act. Thus, the petitioner is at liberty to submit his expansions / objections if any and the District Registrar shall proceed with the enquiry by affording an opportunity to all the parties and pass appropriate final orders on merits and in accordance with law.



6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.07.2023

Jeni

Index : Yes

Neutral Citation : Yes

Speaking order

To

- 1.The Inspector General of Registration,
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Santhome, Mylapore,
Chennai – 600 004.
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- 3.The District Registrar (Admin) (AIG Cadre)
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S.M.SUBRAMANIAM, J.

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