



WEB COPY

W.P.No.19658 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19658 of 2023
and
W.M.P.No.18918 of 2023

1.Mrs.Pushpam

2.M.Sakthivel

3.Kumaravel

4.Padmavathi

... Petitioners

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Perambalur District,
Perambalur.

3.The Sub-Registrar,
Sub-Registrar Office,
Chettikulam,
Alathur Taluk,
Perambalur District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent to complete the enquiry proceedings Na.Ka.707/U/2022 dated 19.01.2023 passed by the 2nd respondent, based on the petitioner representation dated on 29.03.2022.

For Petitioner : Mr.C.Vidhusan

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The notice of enquiry dated 19.01.2023 passed in Na.Ka.707/U/2022 is sought to be assailed in the present writ petition.

2. The writ petitioners state that the subject properties are their ancestral properties and the 2nd petitioner / Mr.M.Sakthivel has given a complaint to the District Registrar, Perambalur, under Section 77(A) of the Registration Act to cancel the document that had already been registered. Based on the complaint, the impugned notice was issued to writ petitioners to appear before the 2nd respondent / District Registrar for enquiry on 31.01.2023 at 11.30 a.m. Instead of proceeding with the process of enquiry, the writ petitioners have filed this writ petition.



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3. Writ against an enquiry notice is not entertainable, unless the notice is drizzled with the ground of jurisdiction or an allegation of *malafides* are raised. In the present case, an enquiry is called for based on the complaint given by the 2nd petitioner under Section 77(A) of the Act. Thus, the authorities competent is empowered to conduct an enquiry by way of summary proceedings for the purpose of verifying the correctness of the registration made under the provisions of the Act.

4. Thus, the petitioner has to participate in the process of enquiry for the purpose of establishing their rights through documents and evidences available on record. The 2nd respondent / the District Registrar shall proceed with the enquiry and dispose of the same as expeditiously as possible by affording opportunity to the parties.

5. It is needless to state that the enquiry is to be conducted based on the seniority of the complaint, which is to be maintained as per the orders of this Court in a batch of writ petitions in ***W.P.No.4192 of 2018 & etc.***, batch, and a judgment was delivered on ***15.06.2023*** in the registration.



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6. With these observations, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

05.07.2023

skr

Index : Yes

Speaking order

To

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

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Perambalur.

3.The Sub-Registrar,
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S.M.SUBRAMANIAM, J.

skr

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