



WEB COPY

W.P.No.20627 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20627 of 2023

and

W.M.P.No.20005 of 2023

M.Pandiyan

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Salem East,
Salem District.

2.The Sub-Registrar,
Attur Taluk,
Salem District.

3.J.Mayili

4.Mrs.Chinnu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice dated 29.05.2023 in Na.Ka.No.1161/E3/2023 issued by the 1st respondent and quash the same as illegal.



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For Petitioner	: Mr.M.Sudhan
For R1 & R2	: Mr.C.Jaya Prakash Government Advocate

ORDER

The notice dated 29.05.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he is the owner of the property described in the present writ petition. The respondents 3 and 4 have given a complaint to the District Registrar to cancel the document. In order to conduct an enquiry the impugned notice has been issued by the District Registrar in proceedings dated 29.05.2023. The petitioner instead of participating in the process of enquiry to establish his case, he has chosen to file the present writ petition.

3. The learned counsel for the petitioner reiterated that complaint itself is prevalence.

4. However, High Court cannot conduct a roving enquiry in respect to the disputed facts between the parties. The District Registrar has issued a notice providing an opportunity to the writ petitioner to explain his case. No



writ against such enquiry notice is entertainable, unless it is tainted with the allegations of *mala fides* or issued by the authority having no jurisdiction.

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5. This being the factum, the petitioner is at liberty to participate in the process of enquiry and defend his case by producing documents or submitting explanations or objections. The authority has to consider the complaint with reference to the provisions of the Registration Act and in the event of any claim regarding civil rights, then the parties are to be relegated to approach the Civil Court of law.

6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.07.2023
(2/2)

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

Jeni

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