



W.P.No.22836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

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

W.P.No.22836 of 2023

and

W.M.P.Nos.22298 & 22299 of 2023

M.K.Sasikumar

...Petitioner

-Vs-

1.The District Registrar,
Office of District Registrar,
Gobichettipalayam,
Erode District.

2.Balasubramaniyan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to impugned enquiry notice of the 1st respondent in Na.Ka.No.88/A3/2023 dated 17.04.2023 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner : Mr.S.Arivazhagan

For R1 : Mr.G.Krishna Raja,
Additional Government Pleader



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ORDER

The enquiry notice dated 17.04.2023 issued by the District Registrar is under challenge in the present Writ Petition.

2. The second respondent filed a complaint under Section 77A of the Registration Act (hereinafter referred to as 'the Act') to cancel the power of attorney document No.3913/2022. Based on the complaint, the District Registrar issued the enquiry notice providing an opportunity to the petitioner to defend his case. Instead of submitting the explanation along with the documents, if any, the petitioner has chosen to file the present Writ Petition.

3. No writ against such enquiry notice is entertainable, unless it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. In all other circumstances, the addressee has to participate in the process of enquiry in order to establish his case in the manner known to law. High Court cannot adjudicate the disputed facts between the parties. The competent authority is empowered to verify the



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original documents available on record and decide the issue. Thereafter, an appeal is provided under Section 77B of the Act. The importance of exhausting the statutory remedy at no circumstances be undermined, since the legislative intention is to provide an opportunity to the aggrieved persons to resolve the issues through enquiry.

4. Thus, the petitioner is at liberty to participate in the process of enquiry in order to establish his case before the competent authority. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To
The District Registrar,
Office of District Registrar,
Gobichettipalayam,
Erode District.



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S.M.SUBRAMANIAM, J.

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