



WEB COPY

W.P.No.21893 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21893 of 2023

and

W.M.P.Nos.21211, 21213 and 21215 of 2023

1.Arthi

2.Ananth

... Petitioners

Vs.

1.The District Registrar,
Tiruvannamalai District.

2.K.Sakthikumar

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 1st respondent in No.3958/e/2023 dated 30.06.2023 and to quash the same forthwith.

For Petitioners

: Mr.C.Prabakaran

For R1

: Mr.C.Jayaprakash,
Government Advocate



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ORDER

The enquiry notice issued by the 1st respondent / the District Registrar, asking the petitioner to submit his explanations to the complaint by the 2nd respondent is under challenge in the present writ petition.

2. The petitioner states that he is the owner of the subject property described in the present writ petition. The petitioner has inherited the property from his father. The petitioner filed a Civil Suit in O.S.No.17 of 2021 on the file of the Principal District and Sessions Court, Thiruvannamalai for the relief of declaration of title and permanent injunction and mandatory injunction. The Suit is pending for trial. During the pendency of the Suit, Mr.Balasubramaniyan executed a Sale Deed in favour of one Sakthi Kumar, who in turn executed a Sale Deed in favour of one Rajasekar in an illegal manner. The mother of the petitioner has executed a Power of Attorney in favour of the petitioner in order to prosecute those persons, who have illegally created documents.

3. With reference to the facts and circumstances, the 2nd respondent filed a complaint before the District Registrar to cancel the documents under



Section 77-A of the Registration Act. Accordingly, the District Registrar issued notice to all the parties for the purpose of conducting an enquiry and to afford opportunity. The petitioner, instead of participating in the process of enquiry, has chosen to file the present writ petition setting out the facts, as well as legal grounds.

4. Such facts and grounds raised by the petitioner cannot be adjudicated in a writ proceedings, as those grounds are disputed facts. It is to be decided after conducting adjudication with reference to original documents and evidences available on record. In the event of any finding in the present writ petition, the same would cause prejudice to either of the parties and therefore, the petitioner as well as the 2nd respondent have to establish their respective cases based on the documents and evidences before the competent authority, who in turn has to provide opportunity to all the parties for the purpose of contesting their respective cases.

5. No writ against such an enquiry notice is entertainable in a routine manner. A writ against a notice can be maintained, if such notice is issued by the incompetent authority having any jurisdiction or tainted with the allegations of *malafides*. In all other cases, the parties, who have received



notice is expected to contest their case before the authority and by submitting their explanations / objections, as the case may be. Thus, the petitioner is at liberty to participate in the enquiry and defend his case in the manner known to law.

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

25.07.2023

skr
Index : Yes
Speaking order

To

The District Registrar,
Tiruvannamalai District.



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S.M.SUBRAMANIAM, J.

skr

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