



WEB COPY

W.P.No.22362 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22362 of 2023

and

W.M.P.No.21743 of 2023

1.Gabriel

2.G.Kuzhandai Theresal

... Petitioners

Vs.

1.The District Registrar

[Administration]

Cuddalore – 607 002.

2.Gnanasoundari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records and quash the proceedings of the 1st respondent in Na.Ka.No.3482/Aa4/2023 dated 05.06.2023.

For Petitioners

: Mr.R.Gururaj
for Mr.D.Baskar

For R1

: Mr.D.Ravichander
Special Government Pleader



ORDER

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The enquiry notice dated 05.06.2023 is sought to be quashed in the present writ petition.

2.The second respondent Smt.Gnanasoundari filed a complaint before the District Registrar, Cuddalore for cancelling a document. Based on the complaint, the first respondent issued summons to the petitioners for the purpose of filing objections along with the documents, if any. Instead of participating in the process of enquiry, the petitioners have chosen to file a writ petition on the ground that the first respondent has no jurisdiction. Under Section 77-A of the Registration Act [hereinafter referred to as “the Act”], the first respondent is empowered to conduct summary proceedings for the purpose of ascertaining the allegations in the complaint regarding fraud or impersonation in the matter of registration of a document. The District Registrar is empowered to consider both factual and legal grounds if any raised before the parties. However, the scope of Section 77-A of the Act cannot be expanded for the purpose of adjudication of civil disputes between the parties. The District Registrar is expected to exercise restraint while



adjudicating the complaint within the provisions of the Act. In other words, if the fraud or impersonation has been established in the context of Sections 32 to 35 of the Act, then alone the District Registrar is empowered to cancel the document and if the complaint is relating to civil dispute, then the parties are relegated to approach the Civil Court of law. This being the principles to be followed, the petitioners are at liberty to submit their defence statement along with the documents, if any and participate in the process of enquiry. The first respondent shall proceed with the enquiry and pass appropriate orders on merits and in accordance with law. The first respondent shall also furnish the copy of the complaint to the petitioners enabling them to submit their defence statement.

3. With these directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.07.2023

Index : Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes /No
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S.M.SUBRAMANIAM, J.

cse

To

The District Registrar
[Administration]
Cuddalore – 607 002.

W.P.No.22362 of 2023

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