



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 25.08.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.25079 of 2023 &**  
**W.M.P.No.24506 of 2023**

T.Sivasankaran

... Petitioner

Vs.

1.The District Registrar (Administration)  
Chennai – South,  
Fanepet,  
Nandanam,  
Chennai – 600 035.

2.T.Rajendran

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the Impugned Notice dated 22.06.2023, bearing No.20383/C2/2022, issued by the 1<sup>st</sup> respondent and quash the same as illegal.

For Petitioner

: Mr.S.Udhayakumar

For Respondent 1

: Mr.G.Krishna Raja,  
Additional Government Pleader



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## **ORDER**

The notice issued under section 77(A) of the Registration Act is under challenge in this present writ petition.

2. No writ against the enquiry notice is entertainable under Article 226 of the Constitution of India. A writ against the enquiry notice is entertainable, only if it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. Even in case where any one of the party has got a good ground to defend their case, they are expected to submit their defence before the authority, instead of filing a writ petition before the High Court.

3. The powers conferred to the authorities under the Act must be exercised in the manner known to law. The High Court should permit the authorities to exercise their powers and therefore, entertaining the writ petition at the initial stage or nibbing the bud is not desirable. Therefore, in all circumstances, the persons who received an enquiry notice is expected to place their defence including the judgements and the grounds relied on by



them before the authorities, enabling the authorities to take a decision in the manner contemplated under the Act.

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4. When the remedy is efficacious and when there is a possibility of getting remedy from the competent authorities, filing a writ petition cannot be encouraged and in such circumstances, the rights of the other parties are prejudiced because the parties are deprived from adjudicating all other grounds raised in the complaint. The High Court cannot quash the enquiry notice on the only ground that section 77(A) cannot be applied retrospectively. But the authority must be allowed to consider the defence to be submitted by the parties and take a decision.

5. At the outset, the processes contemplated under the statutes must be allowed to go on in the manner contemplated and an intermittent intervention by the High Court in such circumstances is not desirable and may cause prejudice to either of the parties. Thus, the petitioner is at liberty to submit his defence including the grounds raised in the present writ petition and also the judgments relied on or otherwise.



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

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Speaking order

To

The District Registrar (Administration)  
Chennai – South,  
Fanepet,  
Nandanam,  
Chennai – 600 035.



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**S.M.SUBRAMANIAM, J.**

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