



WEB COPY

W.P.No.26019 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26019 of 2023
and W.M.P. No.25443 of 2023

K. Amulraj

... Petitioner

Vs.

1. The District Registrar (Administration)
Ranipet,
Ranipet District.

2. K. Gopinath

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records in pursuant to two notices issued by the respondent to the petitioner vide Na.Ka.No.2456/A2/2023 dated 22.06.2023 and vide Na.Ka.No.2456/A2/2023 dated 17.07.2023 and quash both of them.

For Petitioner

: Mr.T.P.Prabakaran

For Respondent 1

: Mr.P.Sanjay Gandhi,
Government Advocate



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ORDER

The enquiry notice issued by the District Registrar under section 77A of the Registration Act is under challenge in the present writ petition.

2. The second respondent filed a complaint under section 77A of the Registration Act to cancel the document registered during the year 2022 invoking the provisions of the Contract Act.

3. The learned counsel for the petitioner mainly contended that the second respondent in his complaint has stated that a person of unsound mind had executed the disputed document. Therefore, the District Registrar is incompetent to entertain the complaint filed under section 77A of the Registration Act.

4. Whether the subject document has been executed by a person of unsound mind or not itself is to be determined by the District Registrar at the time of conducting an enquiry, based on the documents and records available. The statement of the complainant that the document was executed by a person



of unsound mind cannot be a ground to entertain the writ petition or to quash the very complaint itself.

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5. Therefore, all such factual and legal grounds are to be raised before the District Registrar for the purpose of conducting an enquiry as contemplated under the Act. Contrarily the Court cannot form a final opinion in a writ proceeding filed challenging the very enquiry notice. The enquiry in this regard is to be conducted by the District Registrar for the purpose of determining the issues raised between the parties.

6. No writ against an enquiry notice is entertainable. Unless such enquiry notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. A person who received notice from the authority is at liberty to defend his case by availing the opportunities that is to be provided by the authority under the Act. Even in case, a complaint has been filed beyond the jurisdiction, such grounds can be raised before the competent authority, since the District Registrar and the Deputy Inspector General of Registration/Appellate authority are exercising the quasi-judicial powers conferred under the Act.



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7. That being the factum, the petitioner is at liberty to raise all factual and legal grounds including the ground of competency etc., before the District Registrar/Deputy Inspector General of Registration, appellate authority, as the case may be for the purpose of adjudication of the issues raised between the parties.

8. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

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Index : Yes/No

Speaking order/Non Speaking Order

Neutral Citation: Yes/No



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To

1. The District Registrar (Administration)
Ranipet,
Ranipet District.



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S.M.SUBRAMANIAM, J.

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