



WEB COPY

W.P.No.26456 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26456 of 2023

and

W.M.P.No.25864 of 2023

1.Mr.S.Bikamchand Jain

2.Mr.Sumith Jain

3.Mrs.Sarojkanwar

...Petitioners

Vs

1.The District Registrar (Administration),
Office of the District Registrar,
Thiruvannamalai Road,
Krishnagiri Town,
Krishnagiri District.

2.Duraisam

...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 1st respondent in Proceedings No.Na.Ka.No.8589/U/2022 dated 26.12.2022 and quash the notice.



For Petitioners

: Mr.T.M.Hariharan
for Mr.G.M.Ananthakumar.

For R1

: Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The enquiry notice issued by the District Registrar in proceedings dated 26.12.2022 is sought to be quashed in the present writ petition.

2. No writ against an enquiry notice is entertainable, unless such notice has been issued by the incompetent authority having no jurisdiction or tainted with the allegations of malafides.

3. In the present case, the learned counsel for the petitioner mainly contented that Section 77-A of the Registration Act cannot be applied retrospectively for the purpose of cancelling the documents registered prior to the amendments and in this regard, this Court also delivered Judgments. Relying on the Judgments, the learned counsel for the petitioner states that the District Registrar ought not to have entertained any application from the 2nd respondent.



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4. Nipping at the bud, if at all the circumstance is not desirable, the authority competent must be allowed to exercise his powers in the manner contemplated under the Act. It is not as if the enquiry notice must be quashed merely on one ground or other. The original authority must be provided an opportunity to adjudicate the issues raised between the parties for the purpose of forming a final opinion. The parties are at liberty to place the Judgments, provisions of the Act, defence statements, documents etc., for effective adjudication of the issues. Contrarily, the High Court cannot conduct a roving enquiry in respect of all such disputes between the parties under Article 226 of the Constitution of India. Thus, the quasi judicial authorities under the statute must be allowed to exercise their powers in the manner contemplated under the Act. Intermittent interventions at the initial stage would cause prejudice to either of the parties to put forth their case based on the documents and evidences available on record. This exactly is the reason why the Courts are declining to entertain writ petitions against the show cause notices/enquiry notices.

5. By relying on the ratio laid down by the High Court or the Supreme Court in one Judgment, an enquiry notice or show cause notice cannot be



quashed. Adjudication of all disputed issues by the original Authority is of paramount importance and in the event of quashing such proceedings in one ground, it will lead to multiplicity of proceedings, since the aggrieved party would again file a petition in respect of other grounds raised in his complaint or otherwise.

6. Therefore, the parties are at liberty to participate in the process of enquiry, place their defence statements, documents and Judgments, if any, enabling the authority to adjudicate the issues and pass orders on merits and in accordance with law.

7. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.09.2023

Index:Yes/
Speaking order
Neutral Citation:Yes/No
veda/hvk



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To
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The District Registrar (Administration),
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S.M.SUBRAMANIAM,J.

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