



WEB COPY

W.P.No.26095 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26095 of 2023

and

W.M.P.Nos.25499 & 25501 of 2023

Tmt.Ezhil Arasi

... Petitioner

Vs.

1.The District Registrar (Administration Thiruvapur),
Office of the Registrar, Thiruvapur.

2.Manaazhagan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records of the 1st respondent dated 24.05.2023 in Na.Ka.1419/b3/2023 dated-/05/2023.

For Petitioner

: Mr.N.A.Nissar Ahamed,
Senior Counsel for
Mrs.I.Kowser Nissar

For Respondent 1

: Mr.G.Krishna Raja,
Additional Government Pleader.



ORDER

The Enquiry Notice issued by the District Registrar under Section 77-A of the Registration Act, 1908 is under challenge in the present writ petition.

2. No writ against the Enquiry Notice is entertainable unless it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of mala fide.

3. The learned Senior Counsel appearing on behalf of the petitioner mainly contented that the operation of the amended of Section 77-A cannot be applied retrospectively, so as to cancel the documents registered long before. Such grounds can be taken during the course of enquiry before the Competent Authority. The person approaching the Authority under the Act may raise several grounds and the High Court, by entertaining a writ petition against a notice cannot quash the notice on the ground that the provisions cannot be applied retrospectively. Such legal ground also can be taken by the petitioner at the time of adjudication before the Authority.



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4. At the outset, the person aggrieved is at liberty to raise both the factual and legal grounds before the District Registrar for the purpose of establishing his case. Contrarily, the High Court cannot adjudicate the disputed issues between the parties. Merely based on one legal ground, notice need not be quashed and in such circumstances the rights of the other parties will be prejudiced to raise other grounds or allegations in respect of the complaint given.

5. Thus, the petitioner is at liberty to participate in the process of enquiry, place documents, evidences and the Judgments passed by this Court for the purpose of considering the issues on merits and in accordance with law.

6. With these observations, the Writ Petition stands **dismissed**.
Consequently, connected miscellaneous petitions are closed. No costs.

07.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes
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To

The District Registrar (Administration Thiruvarur),
Office of the Registrar, Thiruvarur.

W.P.No.26095 of



S.M.SUBRAMANIAM, J.

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