



WEB COPY

W.P.No.27397 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27397 of 2023
and W.M.P.No.26850 of 2023

P.Selvi

...Petitioner

Vs

1.The District Registrar [Administration],
Thiruvannamalai District,
Vellore Road, Thiruvannamalai.

2.The Sub-Registrar,
The Sub-Registrar Office,
Polur.

3.Pattammal

...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 pertaining to the notice in No.1993/E/2023 dated 10.04.2023 on the file of the first respondent and to quash the same as illegal, incompetent and ultravires.

For Petitioner

: Mr.M.Guruprasad
for Mr.B.Lakshmipathy

For R1 & R2

: Mr.T. Arunkumar,
Additional Government Pleader.



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ORDER

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

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

3.In the present case, the learned counsel for the petitioner mainly contended that Section 77A of the Registration Act [hereinafter referred to as "the Act"] cannot be applied retrospectively for the purpose of cancelling the document which was registered in the year 2005. No doubt, Section 77A of the Act will have prospective effect. However, the petitioner has to place all these facts before the District Registrar for consideration. Judgments in this regard also may be placed before the District Registrar along with the documents. If the notice is set aside based on the single ground, the parties will be prejudiced to adjudicate other issues between them in the complaint or defense statement. Therefore, opportunity to be provided by the District



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Registrar is to be availed of and the parties must place their defense statement along with the documents and judgments including the legal grounds.

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4.That being the factum, the petitioner is at liberty to place all his defense statement and the judgments, etc. for consideration. The District Registrar shall conduct an enquiry and pass orders on merits and in accordance with law as expeditiously as possible.

5.Accordingly, the writ petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

19.09.2023

cse

Index:Yes

Speaking order

Neutral Citation:Yes/No

To

1.The District Registrar [Administration],
Thiruvannamalai District,
Vellore Road, Thiruvannamalai.

2.The Sub-Registrar,
The Sub-Registrar Office,
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S.M.SUBRAMANIAM, J.

cse

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