



WEB COPY

W.P.No.26320 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26320 of 2023
and W.MP.Nos.25725 & 25726 of 2023

Mr. Tulsi Das Patel

... Petitioner

Vs.

1.The Collector,
Collectorate of Chengalpattu District,
Chengalpattu District.

2. The Revenue Secretary,
Land Registration Department,
Secretariat, Chennai – 600 009.

3. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai- 600 028.

4.The District Registrar,
Office of the District Registrar (Management),
Chengalpattu District.

5.Mr. V.S. Radhakrishnan

6.Mrs. Amsavalli

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and to quash the impugned order Ref.No.5686/Aa3/2023 dated 02.08.2023 along with the complaint pending on the file of the 4th respondent and consequently directing the respondents not to entertain further in the Civil Jurisdictional matters except in due process of law.

For Petitioner : Mr. C. Kanagaraju

For Respondents 1 to 4 : Mr. T. Venkatesh Kumar,
Special Government Pleader

ORDER

The enquiry notice issued by the District Collector under section 77A of the Registration Act is sought to be quashed in the present writ petition.

2. The respondents 5 and 6 made a complaint to cancel the documents registered during the years 1966, 1982, 1983, 1988, 2002, 2008, 2012, 2020 etc. On receipt of the complaint, the District Registrar issued an enquiry notice to the petitioner to conduct an enquiry.

3. The learned counsel for the petitioner mainly contended that the



amended section 77A of the Registration Act cannot have retrospective application so as to cancel the documents registered long years back. The amendment was made with prospective effect and therefore, the documents registered prior to the amendment of section 77A of the Act cannot be cancelled by the District Registrar, now after a lapse of several decades.

4. All such grounds may be placed before the District Registrar along with the judgments passed by this Court and the Supreme Court of India for the purpose of considering the issues and to take a decision. Contrarily a litigant cannot approach High Court, based on the enquiry notice issued. Once an enquiry notice has been issued , the person who received such notice has to participate in the process of enquiry to defend his case in the manner known to law. It is for the authorities to consider all the grounds including the legal grounds raised by the petitioner and pass appropriate orders on merits and in accordance with law.

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



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6. The learned counsel for the petitioner brought to the notice of this court that a similar complaint in respect of the same documents were filed before the District Registrar, Chengalpet on 17.04.2023.

7. If the complaints filed and the documents questioned are one and the same, a common enquiry can be conducted for the purpose of taking a decision and pass orders. In view of the facts and circumstances, the petitioner is at liberty to submit his defence statement along with the documents and the legal grounds and judgments if any for defending his case.

8. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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