IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26512 of 2023
and
W.M.P.No.25918 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.Mr.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.2989/A3/2023 dated 28.04.2023 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 matter except in due process of law.

For Petitioner	: Mr.C.Kanagaraju
For R1 to R4	: Mr.D.Ravichander, Special Government Pleader

ORDER

The enquiry notice dated 28.04.2023 issued by the District Registrar under Section 77-A of the Registration Act (hereinafter referred to as 'the Act') is under challenge in the present writ petition.

2. The petitioner states that the respondents 5 and 6 filed a complaint before the 4th respondent under Section 77-A of the Act to cancel the documents of the year 1988, 2002, 2008, 2012 and 2020.

3. The learned counsel for the petitioner mainly contented that the amended Section 77-A of the Act cannot be applied retrospectively so as to

cancel the documents registered and executed prior to the amendment. Retrospective application has not been expressly provided under the amended Section 77-A of the Act and thus, the District Registrar ought to have entertained the complaint from the respondents 5 and 6.

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. 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

To

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S.M.SUBRAMANIAM, J.

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