



W.P.Nos.26980 & 26981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26980 and 26981 of 2023

and

W.M.P.Nos.26412 and 26413 of 2023

K.S.Dravida Mani
P.Ramar

...Petitioner in WP.26980/2023
...Petitioner in WP.26981/2023

-Vs-

1.The District Registrar
Office of the Registrar
Thindivanam,
Villupuram District.

2.P.Karpagam

...Respondents in both WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.3339/Aa3/2022 dated 14.07.2023.

(in both WPs)

For Petitioners : Mrs.V.S.Manimegalai

For R1 : Mr.T.Arun Kumar
Additional Government Pleader



W.P.Nos.26980 & 26981 of 2023

COMMON ORDER

WEB COPY The show cause notices issued by the District Registrar in proceedings dated 14.07.2023 under Section 77A of the Registration Act (hereinafter referred to as 'the Act') are under challenge in the present writ petitions.

2. The learned counsel for the petitioners mainly contended that the documents executed during the years 2000, 2016, 2019 and 2022 are sought to be quashed in the present writ petitions.

3. In respect of cancellation of the documents registered prior to the insertion of Section 77A of the Registration Act, there is no express power granted to the authorities to cancel the documents. This Court held that Section 77A is to be operated with prospective effect in respect of the documents registered after the Amended Act with effect from 16.08.2022. However, no writ against a show cause notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides.

4. There are possibilities of multitude of issues to raise between the



parties under the provisions of the Act. It is not as if the District Registrars are empowered to deal with the complaints only under Section 77A of the Act. Incidentally, if the allegations found are in violation of Section 32 and Section 68 etc., then criminal prosecution under Section 82 is also required. Therefore, merely on the ground of Section 77A and its retrospective application, a show cause notice need not to be quashed. Contrarily, the person receiving such show cause notice is entitled to raise all the grounds including the jurisdiction or authority or otherwise. Thus, the scope of an enquiry cannot be curved by the Court by depriving the aggrieved persons to redress their grievances.

5. Nipping at the bud is not desirable, since the authorities are losing their opportunity of adjudication of issues in accordance with law. High Court cannot conduct a roving enquiry in respect of such allegations relating to title and the documents registered under the Registration Act. Such an enquiry is to be conducted for verifying the original records and the documents presented by the parties. Therefore, in all circumstances, the parties receiving show cause notice is expected to participate in the process



W.P.Nos.26980 & 26981 of 2023

of enquiry by raising all the grounds. The authorities under the Registration Act are exercising quasi judicial powers and therefore, there is no impediment to raise all the grounds including the grounds of limitation, jurisdiction, etc.

6. The learned counsel for the petitioners made a submission that the petitioners have already submitted their explanations. In this regard, the petitioners are at liberty to submit the relevant documents, if any and on receipt of the same, the authority competent shall proceed with the enquiry and conclude the same as expeditiously as possible.

7. With these observations, these Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. No Costs.

14.09.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No
dpa/hvk



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W.P.Nos.26980 & 26981 of 2023

To

The District Registrar
Office of the Registrar
Thindivanam,
Villupuram District.



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W.P.Nos.26980 & 26981 of 2023

S.M.SUBRAMANIAM, J.

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W.P.Nos.26980 and 26981 of 2023

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