



WEB COPY

W.P.No.13143 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 16.03.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.13143 of 2017**

**and**

**W.M.P.Nos.14137 & 14138 of 2017**

1.Chinna Gounder (Deceased)

2.Perumayee

3.R.Muthulakshmi

4.Amutha

5.Sasireka

6.S.Sundaresh

... Petitioners

[P2 to P6 are substituted as LR's of deceased P1 vide order dated  
09.11.2017 in WMP.No.26106/2017 in WP.No.13143/2017]

Vs.

1.The District Registrar,  
Namakkal District,  
Namakkal.

2.The Sub Registrar,  
Tiruchengode Sub Register Office,  
Tiruchengode, Namakkal District.

3.T.M.Nallaiyan

... Respondents



**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the proceeding initiated through impugned notice dated 09.05.2017 issued by the 2<sup>nd</sup> respondent and quash the same.

|                 |                                                    |
|-----------------|----------------------------------------------------|
| For Petitioners | : Mr.R.Marudhchalamurthy                           |
| For R1 & R2     | : Mr.T.Arun Kumar<br>Additional Government Pleader |
| For R3          | : Mr.N.Manokaran                                   |

### **ORDER**

The relief sought for in the present writ petition is to call for the records pertaining to the enquiry notice issued by the 2<sup>nd</sup> respondent with reference to the documents filed by the writ petitioner for registration.

2. The petitioner admittedly filed the document before the 2<sup>nd</sup> respondent for registration. The petitioner wants to settle the property in favour of her grandson. However, there was an objection from the 3<sup>rd</sup> respondent regarding the extent of the property. In order to verify the genuineness of the objection raised by the 3<sup>rd</sup> respondent, the Sub Registrar



issued a notice to the writ petitioner asking the petitioner to appear before him along with the documents for enquiry.

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3. The enquiry notice cannot be interfered with by the High Court in a writ proceeding in a routine manner. If at all such enquiry notice has been issued by an incompetent authority then alone the High court can grant appropriate relief, but not otherwise. In the present case, the 3<sup>rd</sup> respondent raised an objection with reference to the extent of property and therefore, the petitioner has to clarify the same through documents and evidences. Only when such clarifications to the satisfaction of the Sub Registrar is made, then alone the Sub Registrar has to initiate further actions to register the documents, which is presented by the writ petitioner in accordance with the act.

4. That being the factum, the petitioner is at liberty to submit the documents and evidences to establish that she is entitled to register the documents and in the event of production of such documents by the petitioner, the 2<sup>nd</sup> respondent shall conduct an enquiry and shall take appropriate decision on merits and in accordance with law.



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5. With this liberty, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

**16.03.2023**

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The District Registrar,  
Namakkal District,  
Namakkal.

2.The Sub Registrar,  
Tiruchengode Sub Register Office,  
Tiruchengode, Namakkal District.



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**S.M.SUBRAMANIAM, J.**

Jeni

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**16.03.2023**