



WEB COPY

W.P.No.32328 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 32328 of 2022
and W.MP.No.31723 of 2022

1.N.A.Ramanathan
2.N.A.Ravindran
3.N.A.Vinayaga,

... Petitioners

Vs.

1.The District Registrar (Central Chennai),
District Registrar Office,
No.182, BharathiSalai,
Royapettah,
Chennai – 600 014.

2.The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram,
Chennai – 600 028.

3.Rathna Devi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records of the first respondent relating to his notice issued in No.6924/A2/2022 dated 19.07.2022 and quash the same.



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For Petitioner : Mr. P.Jagadeesan

For Respondents 1 and 2 : Mr. G.Krishna Raja
Additional Government Pleader

For Respondent 3 : Mr.M.Senthil Vadivelu

ORDER

The enquiry notice dated 19.07.2022 is sought to be quashed in the present writ petition.

2. A perusal of the enquiry notice reveals that it was issued under section 68(2) of the Registration Act and more so, prior to the amendment made under section 77A of the Registration Act. The circular issued by the Inspector General of Registration in Circular No.67 of 2011 has already been withdrawn and therefore, the District Registrar has no power to cancel the document prior to the insertion of section 77A in the Registration Act. Thus, the application submitted by the third respondent for cancellation of a Will is not entertainable and the fourth respondent is at liberty to redress her grievance in the manner known to law.

3. It is brought to the notice of this Court that a civil suit has already been instituted in C.S.No.48 of 2015. However, pendency of a suit is not a



bar for entertaining an application under the Registration Act. It is for the parties to workout their remedy in the manner known to law.

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4. Accordingly, the proceedings initiated pursuant to the enquiry notice dated 19.07.2022 cannot be continued. As such, the enquiry notice stands quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

31.08.2023

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Index : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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