



W.P(MD)No.3214 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3214 of 2022
and
W.M.P(MD)Nos.2804 & 2805 of 2022

Arivalagan

... Petitioner

Vs.

1.The District Registrar,
Office of the District Registrar,
Madurai South,
Madurai.

2.Maharani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the impugned notice issued by the first respondent vide his proceedings in Na.Ka.No. 5655/A2/2021 dated 16.12.2021 and quash the same.

For Petitioner : Mr.V.Selvakumar



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For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent. Though the second respondent has been served and her name is printed in the cause list, she has not chosen to enter appearance.

2. The petitioner's father executed the petition mentioned settlement deed in his favour on 07.08.2019. On the same day, his father executed another settlement deed in favour of the petitioner's brother / Ganesan (Document No.1784). It is stated that on the same day, the petitioner's father's brother also executed two settlement deeds. The petitioner's father and his brother had left out their sister, namely, the second respondent herein. The second respondent therefore complained to the first respondent. Acting on the same, the impugned enquiry notice was issued.



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3. It is beyond dispute that there is no commission of forgery or impersonation. If according to the second respondent, her rights have been ignored, her only remedy is to file a partition suit.

4. It is stated by the learned counsel appearing for the petitioner as well as the learned Special Government Pleader that the second respondent had already filed O.S.No.222 of 2020 on the file of the Sub Court, Usilampatti. The second respondent can very well pursue her remedy in the said partition suit. The first respondent will not be justified in holding an independent enquiry. The impugned notice stands quashed.

5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The District Registrar,
Office of the District Registrar,
Madurai South,
Madurai.

Copy to

The Sub Court,
Usilampatti.

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and

W.M.P(MD)Nos.2804 & 2805 of 2022

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