



W.P(MD)No.3879 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3879 of 2022

and

W.M.P.(MD)No.3346 of 2022

Gandhimathi

... Petitioner

Vs.

1.The District Registrar (Admin)
Office of the District Registrar,
Madurai.

2.The Sub Registrar,
Tirumangalam,
Madurai District.

3.Thangammal

... 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 records of the 1st respondent dated 14.02.2022 in proceedings Na.Ka.No.8673/B2/2021, quash the same, as the same is arbitrary, ultravires, in excess of power.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 & R2

: Mr.S.Balaji for R3



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ORDER

Heard both sides.

2. The petitioner purchased the petition mentioned property vide sale deed dated 21.05.2007 from one Kuppuraj and others. The third respondent Thangammal is none other than the sister of the said Kuppuraj. She lodged a complaint before the second respondent that the execution of the aforesaid sale deed in favour of the petitioner was fraudulent. For cancelling the said document, the impugned enquiry notice dated 14.02.2022 has been issued by the first respondent. During the relevant time, there was no circular holding the filed authorizing the first respondent to conduct such enquiry. Section 77A of the Act that was introduced in the statute book cannot operate retrospectively.

3. The third respondent is said to have filed civil suit for enforcing her rights. The third respondent has to pursue her remedy only in the pending civil suit. The impugned notice is patently without jurisdiction.

4. Granting liberty to the third respondent to pursue her remedy in the pending civil suit in O.S.No.119 of 2019 on the file of the Principal District



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Court, Madurai, the Writ Petition is allowed. No costs. Consequently,
connected miscellaneous petition is closed.

04.10.2023

Index : Yes / No

Internet : Yes/ No

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To

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Madurai.

2.The Sub Registrar,
Tirumangalam,
Madurai District.

G.R.SWAMINATHAN, J.



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