



W.P(MD)No.4176 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4176 of 2022
and
W.M.P.(MD)No.3584 of 2022

P.P.Ganesan

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
District Registrar Office,
Dindigul – 624 004.

2.D.Renugha

... 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 relating to the impugned notice passed by the 1st respondent in Na.Ka.No.3172/Aa3/2021 dated 04.02.2022 and quash the same.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1.



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ORDER

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Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the first respondent. The notice issued to the second respondent has been returned with an endorsement “insufficient address”. The learned counsel for the petitioner points out that the second respondent has already filed O.S.No.270 of 2017 on the file of the Additional Sub Court, Dindigul and in the said plaint, the very same address has been given. I am of the view that the petitioner cannot be blamed.

2.In any event, what is under challenge is the notice issued by the first respondent.

3.The petitioner obtained a sale deed dated 21.09.2012 in his favour. It was executed by Selvam and others. The sale deed was registered as Document No.2502/2012 on the file of the Sub Registrar, Natham. The second respondent herein gave complaint on 24.04.2021 for cancelling the said document. The first respondent entertained the said complaint and issued the impugned enquiry notice.



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4.As rightly pointed out by the learned counsel for the petitioner, during the relevant time that is when the subject sale deed was executed Section 77-A of the Registration Act was not in operation. I have already held that it cannot be operated retrospectively. Of course, Circular No.67 dated 03.11.2011 had been issued to enquire into fraudulent documents. But the said circular was subsequently withdrawn. Even the orders passed under the said circular were also directed to be recalled. In these circumstances, I can only hold that the impugned enquiry notice is without jurisdiction. The second respondent can very well pursue his remedy in the pending civil suit. I make it clear that I have not gone into the merits of the matter. All the contentions and defences of the second respondent are left open.

5.The impugned enquiry notice is quashed and the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2023

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

ias

To:-

The District Registrar,
Registration Department,
District Registrar Office,
Dindigul - 624004.

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