



W.P(MD)No.9329 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9329 of 2022

and

W.M.P.(MD)Nos.6687 & 6688 of 2022

S.V.Shanmugasundaram

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Madurai Region,
Thirumohur Road,
Madurai.

2.The District Registrar of Registration,
Madurai South,
Palace Road,
Madurai-1.

3.R.Balasubramanian

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice initiated by the 2nd respondent in Na.Ka.No. 974/A2/2022 dated 18.03.2022 and quash the same as illegal and without jurisdiction and consequently directing the respondents 1 and 2 to drop all further proceedings pertaining to the enquiry initiated through the impugned notice.



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For Petitioner : Mr.R.Aravindan

For Respondent : Mr.M.Siddharthan
Additional Government Pleader for R1 & R2
: Mr.G.Prabhu Rajadurai for R3

ORDER

Heard the learned counsel on either side.

2. The petitioner as well as the third respondent are rival claimants in respect of one property. Both of them trace their title through one Kandasamy. While the petitioner claims title on the strength of the document executed by the power agent, the third respondent claims title on the strength of the sale deed executed directly by Kandasamy. The third respondent has given a complaint before the second respondent alleging that document No.207/2002 standing in the name of the petitioner has to be nullified as it has been fraudulently registered. The said complaint was entertained and the impugned enquiry notice dated 18.03.2022 came to be issued.

3. The learned Additional Government Pleader submits that IG of Registration issued a circular clarifying that all the enquires under Section 77 A of the Act shall be kept in abeyance. As regards applicability of Section 77A of Registration Act, the issue has to be authoritatively decided by the Larger



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Bench of the Madras High Court. The impugned enquiry notice will abide by the outcome of the said decision. Till then, the impugned enquiry shall be put on hold. I make it clear that the outcome of this writ petition will not come in the way of the third respondent from filing any independent writ petition questioning the very registration of the document No.207/2002.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2023

Index : Yes / No

Internet : Yes/ No

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To

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Madurai Region,
Thirumohur Road,
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2.The District Registrar of Registration,
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G.R.SWAMINATHAN, J.

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