



W.P(MD)No.9782 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9782 of 2022
and
W.M.P(MD)No.7004 of 2022

Kalaimani

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Thiruchirappalli.

2.L.Francis

... 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 the impugned proceedings dated 28.04.2022 in Na.Ka.No. 422/A4/2022 of the first respondent and quash the same.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader for R.1

Mr.T.A.Punithan for R.2



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ORDER

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Heard both sides.

2. In normal circumstances, this Court would not interfere with the enquiry notice. But in this case, the facts are special. The second respondent had given a complaint before the first respondent for cancelling the petition mentioned document which was executed and registered in the year 2006. The case of the second respondent is that the petitioner is entitled to hold only 2195 Sq.ft and that he could not have alienated 2400 Sq.ft in favour of the petitioner herein.

3. These are matters that will have to be dealt with only by the jurisdictional civil Court. The registering authority will not have any authority or power to go into such issues. The impugned notice also does not refer to any specific statutory provision or circular.

4. In this view of the matter, the impugned notice is quashed. It is open to the second respondent to establish his rights before the jurisdictional civil Court.



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5. With this liberty to the second respondent, this writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

MGA

To

The District Registrar,
Registration Department,
Thiruchirappalli.



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G.R.SWAMINATHAN, J.

MGA

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