



W.P(MD)No.13568 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13568 of 2023

and

W.M.P.(MD) Nos.11445 and 11446 of 2023

B.Balasubramani

... Petitioner

Vs.

1.The District Registrar (Admin),
Palani,
Dindigul.

2.The Sub Registrar,
Gugiliamparai Sub Registrar Office,
Dindigul District.

3.Thirumoorthy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned Show cause Notice issued by the first respondent in her proceedings in No.957/E1/2023 dated 10.04.2023 and quash the same as illegal.

For Petitioner : Mr.M.Vivek Bharathi

For R1 & R2 : Mr.C.Satheesh
Government Advocate



W.P(MD)No.13568 of 2023

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ORDER

The writ petition has been filed in the nature of certiorari, questioning a show cause notice issued under Section 77A of the Indian Registration Act, 1908, on a complaint given by the third respondent. It had been alleged that the petitioner is a beneficiary of the documents fraudulently created.

2. Learned counsel for the petitioner stated that the issue had been already decided not only by the civil Court but also by the erstwhile officer holding the position of the first respondent.

3. I am conscious that any issue related to Section 77A of the Registration Act, has been referred to a Larger Bench to determine jurisdictions more particularly, to examine whether the official has power vested retrospectively or prospectively. But it would only be appropriate that the petitioner answers the show cause notice in all those grounds. Otherwise, the notice would only hang on the head of the petitioner herein.

4. This writ petition is dismissed, since it is only a show cause notice, by directing the petitioner to give necessary reply and take necessary recourse by



W.P(MD)No.13568 of 2023

stating that the issue is pending for the decision of the Larger Bench. This

Court cannot interfere at the stage of issuance of show cause notice. This writ petition is dismissed even without issuing notice to the third respondent giving aforesaid direction to the petitioner herein. No costs. Consequently, connected miscellaneous petitions are closed.

12.06.2023

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

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To

- 1.The District Registrar (Admin),
Palani,
Dindigul.
- 2.The Sub Registrar,
Gugiliamparai Sub Registrar Office,
Dindigul District.



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W.P(MD)No.13568 of 2023

C.V.KARTHIKEYAN, J.

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W.P(MD)No.13568 of 2023

12.06.2023