



W.P(MD)No.13629 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13629 of 2023

and

W.M.P.(MD) No.11482 of 2023

1.G.Srinivasan

2.S.Selvarani

... Petitioners

Vs.

1.The District Registrar,
Madurai.

2.Gurusamy

... 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 of the first respondent dated 13.04.2023 in proceedings Na.Ka.No.9095/AA2/2022, quash the same, as the same is arbitrary, ultra vires, contrary to law, in violation of principles of natural justice.

For Petitioner : Mr.P.Rajagopalan

For Respondents : Mr.M.Prakash
Additional Government Pleader



WEB COPY



W.P(MD)No.13629 of 2023

ORDER

The Writ Petition has been filed questioning the show cause notice issued by the first respondent dated 13.04.2023 on a complaint given by the second respondent, complaining that the petitioner had committed acts which come under the purview of Section 77(A) of the Indian Registration Act, 1908.

2. I am conscious that the issues relating to Section 77(A) of the Indian Registration Act have been referred to a Larger Bench to determine whether it could be applied retrospectively or prospectively and also as to what acts exactly constitute fraud. However, facts will have to be stated by the petitioner by answering to the show cause notice. Thereafter, he can claim interference of the jurisdiction of the first respondent.

3. Learned counsel states that personal hearing must be afforded to the petitioner herein. But first, the petitioner should give a representation in writing and thereafter if he requires personal hearing, place a request for personal hearing to be granted. If it is so requested by the petitioner, I am confident that the first respondent would offer necessary opportunity to the petitioner also to be heard. However, since the petitioner had questioned only a



W.P(MD)No.13629 of 2023

show cause notice, the writ petition stands dismissed with the aforesaid directions. No costs. Consequently, connected miscellaneous petition stands closed.

12.06.2023

(2/2)

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

pnn

To

The District Registrar,
Madurai.



WEB COPY



W.P(MD)No.13629 of 2023

C.V.KARTHIKEYAN, J.

pnn

W.P(MD)No.13629 of 2023
and
W.M.P.(MD) No.11482 of 2023

12.06.2023
(2/2)