



W.P(MD)No.28209 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28209 of 2022

and

W.M.P(MD)No.22284 of 2022

Wilson Gnanamuthu

... Petitioner

Vs

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar (Administration),
Madurai South,
Madurai.

3.The Joint Sub Registrar No.IV,
Madurai.

4.T.Balakrishnan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned enquiry notice passed by second respondent dated 30.11.2022 in Na.Ka.No.1576/Aa2/2022 and quash the same and



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consequently forbearing the second respondent from conducting any enquiry in pursuance of the impugned enquiry notice for cancellation of the registered sale deed dated 03.03.2006 bearing Document No. 1746 of 2006.

For Petitioner : Mr.J.Barathan

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader
for R.1 to R.3

Mr.P.Ganapathi Subramanian for R.4

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the enquiry notice issued by the second respondent. The fourth respondent herein lodged a complaint before the second respondent questioning the validity of the documents standing in favour of the writ petitioner.

3.The learned counsel appearing for the writ petitioner points out that he traces his title to the document registered in the year 2006. His vendor traces the title document of the year 1991. In these circumstances, a complaint was lodged in the year 2022. In respect of the old documents that date back to the years 1991 and 2006, enquiry cannot be conducted. In the very nature of things, as rightly pointed out by the learned counsel appearing for the



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petitioner, the fourth respondent will have to work out his rights elsewhere. It must be noted that the cause of action arose 16 years ago. Section 77(A) of the Registration Act, 1908 was not then in force. It is not the case of the fourth respondent that the petitioner is a party to any act of impersonation or forgery. Title disputes cannot be resolved by the registering authority. Leaving open the rights of the fourth respondent, the impugned enquiry notice is quashed as it is without jurisdiction. This writ petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

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

To

- 1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.
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G.R.SWAMINATHAN, J.

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