



W.P(MD)No.27297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27297 of 2023

and

W.M.P.(MD)Nos.23426 & 23427 of 2023

U.Prabhakaran

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028.

2.The District Registrar,
O/o.Madurai District Registrar,
Madurai District.

3.The Sub Registrar,
O/o.the Sub Registrar,
Pothumbu,
Madurai District.

4.R.Shanmugasundaram

... 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 he records pertaining to the impugned show cause notice in Na.Ka.No. 73/2023 / Pothumbu dated 16.10.2023 passed by the 3rd respondent and quash the same as illegal and consequently to direct the 3rd respondent to stop his further



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enquiry in Na.Ka.No.73/2023 / Pothumbu dated 16.10.2023 till the issue is decided by the Larger Bench of this Court.

For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 to R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for R1 to R3. Issuance of notice to R4 is dispensed with.

2. The writ petitioner purchased the petition mentioned property vide sale deed dated 14.09.2023. The document was registered on 15.09.2023. The executant of the document was one Ganesan. He purported to act as power agent of one Ramya. Ramya is said to be abroad. Subsequently, Ramya's father namely 4th respondent herein lodged a complaint alleging that there has been morphing of photographs and fabrication of the documents. The specific allegation of the 4th respondent in his complaint made before the authorities is that the passport produced by the power agent is a bogus one. Taking cognizance of the said complaint, the third respondent had issued notice dated 16.10.2023. Challenging the same, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner raised two fold contentions.:-

(I) The petitioner is a bonafide purchaser.

(II) Enquiry under Section 77A of the Act has been put on hold as the matter is pending consideration before the Larger Bench.

He also relied on the circular issued by the IG of Registration in this regard.

4. I am not persuaded by the said submission. As rightly pointed out by the learned Government Advocate, enquiry under Section 77-A of the Act is conducted by the jurisdictional District Registrar. In this case, notice has been issued by the registering authority. This single circumstance is sufficient to come to the conclusion that enquiry is not proposed to be held under Section 77-A of the Act. As rightly pointed out by the learned Government Advocate, if fraud had been committed in the process of registration by production of the bogus document, the registering authority is certainly competent to take remedial action. This has nothing to do with the scope and applicability of Section 77-A of the Act. In any event, what has been issued is a mere notice. That by itself does not infringe the rights of the petitioner. The petitioner can very well place his defence before the registering authority. If fraudulent



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passport was produced before the registering authority, penal action and criminal prosecution will have to be taken. The registering authority cannot straight away lodge any criminal complaint. He may collect the basic particulars and the registering authority can issue notice for gathering such particulars. Notice issued by the registering authority cannot be interfered with.

5. Leaving open all the contentions and defences of the petitioner, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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