



W.P.No.29323 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.29323 of 2015

and

MP.No.1 of 2015

Sasikala Raghupathy

...Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road, Santhome,
Chennai.

2. The District Registrar (Administration),
Chennai South,
9, Jennis Road, O/o. District Registrar,
Saidapet, Chennai – 15.

3. Jaya Thamby

4. Maya Nayar

5. Lekha Nayar

6. The President,
Gandhi Nagar Co-operative House Construction Society Ltd.,
25, 3rd Main Road, Gandhi Nagar,
Chennai – 20.

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the 2nd respondent in her impugned notice in No.11798/A3/2015 dated 02.09.2015 and quash the same.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.P.Harish, GA, for R1, R2 & R6
: No Appearance, for R3 to R5

ORDER

This Writ petition has been filed seeking quashment of the notice in No.11798/A3/2015 dated 02.09.2015 issued by the 2nd respondent.

2. Learned counsel for the petitioner submitted that, pursuant to the complaint dated 20.08.2015 made by the 3rd respondent herein under the Registration Act, the 2nd respondent issued the present impugned notice dated 02.09.2015, calling upon the petitioner to appear for the enquiry. Challenging the same, the present Writ petition has been filed.

3. Learned counsel for the petitioner further submitted that the issue arises in this writ petition is no longer *res integra* and the similar issue has



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already been decided by the Division Bench of this Court in

W.P.Nos.10291 of 2022 etc., batch on 02.08.2024. Accordingly, the learned counsel prayed for allowing this writ petition. Learned Government Advocate appearing on behalf of the official respondents did not disputed the facts submitted by the learned counsel for the petitioner.

4. The Hon'ble Division Bench of this Court, vide order dated 02.08.2024 made in **W.P.Nos.10291 of 2022 etc., batch**, in identical circumstances held that proceedings initiated under section 77(A) of the Registration Act is ultra vires and without jurisdiction and that there is no scope for entertaining any application under Section 77(A) of the Act.

5. Since the issue involved in the present case is identical to the one involved in the aforesaid case, this Court is inclined to grant similar relief to the petitioner herein.

6. Accordingly, this Writ Petition stands allowed in terms of the order passed by the Division Bench of this Court in **W.P.Nos.10291 of 2022 etc.,**



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batch dated 02.08.2024 and the impugned notice dated 02.09.2015 issued by the 2nd respondent is set aside. Further, the private respondents are at liberty to workout their remedy in the manner known to law before the competent civil forum. No costs. Consequently, the connected Miscellaneous petition is closed.

20.09.2024

skt

Index : Yes/ No
Speaking Order : Yes/ No
NCC : Yes/ No

To

1. The Inspector General of Registration,
100, Santhome High Road, Santhome,
Chennai.
2. The District Registrar (Administration),
Chennai South,
9, Jennis Road, O/o. District Registrar,
Saidapet, Chennai – 15.
3. The President,
Gandhi Nagar Co-operative House Construction Society Ltd.,
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M.DHANDAPANI, J.

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