



WEB COPY



WP.No.18755 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.18757 of 2020
W.M.P.Nos.23303 & 23307 of 2020

R.Bhuvaneshwari

.. Petitioner

Versus

1.The District Registrar
District Registrar Office
Chennai Central, 182
Bharathi Salai (Pycrafts Road)
Royapettah, Chennai – 600 014

2.N.Devadoss
3.D.Sakthivel
4.D.Manigandan
5.G.Muralidharan

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent ending with proceedings in Proc.No.9648/B/2020 dated 14.10.2010 and quash the same.

For Petitioner : Mr.N.A.Nassir Hussain
for Mr.N.A.Nissar Ahmed

For Respondents : Mr.B.Vijay for R1
Additional Government Pleader
No appearance for R2 to R5



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ORDER

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2. This writ petition is filed challenging the show cause notice issued by the first respondent based on the complaint given by the second respondent. The complaint has been given to the effect that the settlement deed and sale deed are registered fraudulently, since the property has been registered despite, the mortgage is obtained and without production of original documents. Hence, sought action on the basis of the circular issued by the Registration Department.

3. Heard both sides and perused the materials placed on record.

4. At this stage, this Court is of the view that such allegations cannot be gone into by the registering authority. There is no bar under law to purchase the property with existing mortgage. Therefore, issuing show cause notice merely on the basis of some complaint in this regard cannot be sustained in the eye of law and the same is liable to be set aside.



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5. Such view of the matter, the impugned notice dated 14.10.2020 issued by the first respondent is set aside and accordingly, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The District Registrar
District Registrar Office
Chennai Central, 182
Bharathi Salai (Pycrafts Road)
Royapettah, Chennai – 600 014



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N. SATHISH KUMAR, J.

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