



W.A.No.2569 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2569 of 2023

1. R.Ramakrishna
2. R.Balasekaran
3. S.Sreeram

.. Appellants

Vs.

1. Inspector General of Registration
100, Santhome High Road
Santhome
Chennai 600 008.
2. The District Registrar (Admin)
Office of the District Registrar – Chennai South
Integrated Building for Office of the Commercial
Taxes and Registration
Fanepet, Nandanam
Chennai 600 035.
3. Office of the Sub-Registrar
3rd Main Road, Ram Nagar
Jagannatha Puram
Velachery
Chennai 600 042.



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4. S.Prabhu

5. K.Pasumpon

6. R.Murugesan

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 02.08.2023 made in W.P.No.11726 of 2023.

For the Appellants : Mr.K.Sharath Chandran

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 to 3

Mr.P.Marimuthu
for Respondent-4

No appearance
for Respondents 5 & 6

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.K.Sharath Chandran, learned counsel for the appellants, Mr.K.Karthik Jegannath, learned Government Advocate for the respondents 1 to 3 and Mr.P.Marimuthu, learned counsel for the fourth respondent.



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2. The District Registrar (Administration), in the capacity of Assistant Inspector General of Registration – Chennai South, passed an order directing the Sub Registrar to add a foot note in the relevant document copy and Schedule 11 as fraudulent document registered on the basis of impersonation and no document shall be registered on the basis of this document. He further advised the Sub Registrar, Velachery to lodge a complaint under Section 83 of the Registration Act with the Central Crime Branch against the persons concerned in the said complaint.

3. It appears that a document was registered on or about 29.10.2004. According to the complainant, the same was by impersonation.

4. The writ petitioners challenged the said order before the learned Single Judge. The learned Single Judge, observing that the writ petitioners have a remedy of appeal, disposed of the writ



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petition. Aggrieved thereby, the present appeal.

5. Learned counsel for the appellants submits that the impugned order is passed in violation of the principles of natural justice. Notice was issued to the writ petitioners on 11.10.2022 directing the writ petitioners to remain present on 31.10.2022. On the said date, the writ petitioners appeared and sought adjournment. Thereafter, a fresh notice was issued to the writ petitioners on 19.12.2022 intimating the next date of hearing as 01.06.2023. However, prior to that, on 14.02.2023, the impugned order came to be passed.

6. Learned counsel for the appellants submits that as the order is passed in violation of the principles of natural justice, the said order be set aside.

7. Learned Government Advocate submits that in fact, the next date proposed in the notice dated 19.12.2022 was 06.01.2023.



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Inadvertently, the same was mentioned as 01.06.2023.

8. Learned counsel for the fourth respondent submits that the writ petitioners are well aware of the date of hearing and they had appeared in the matter also. They got the sale deed registered by impersonation.

9. We have considered the submissions.

10. The factual matrix is not disputed. The writ petitioners were issued with the notice dated 19.12.2022 of the next date of hearing as 01.06.2023 and the impugned order is passed on 14.02.2023.

11. Though it appears that some mistake has been caused while giving the date as 01.06.2023, the fact remains that the writ petitioners were not issued with any other notice from 19.12.2022 till the date of order directing them to remain present on a particular



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date to put forth their case.

12. The impugned order does not adhere to the principles of natural justice.

13. In view of that, it will be no gain in directing the writ petitioners to avail the remedy of appeal. Again, the matter would be required to be remitted back to give an opportunity to the writ petitioners to file their say and put forth their case.

14. In the light of the above, the impugned order passed by the learned Single Judge and the order dated 14.02.2023 passed by the second respondent shall stand set aside. The writ petitioners/appellants and the respondents 4 to 6 may appear before the second respondent on 12.02.2024. The writ petitioners/appellants shall file their say on the said date. The second respondent shall, thereafter, decide the said proceedings on its own merits and in accordance with law, after adhering to the principles of natural



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justice, expeditiously.

15. The writ appeal is, accordingly, allowed on above terms.
There shall be no order as to costs. Consequently, C.M.P.No.21728
of 2023 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

18.01.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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