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W.A. No.119 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
and
THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.119 of 2024 and C.M.P. Nos. 667 and 669 of 2024

1	Annapoorni	
2	R. Govindasamy	
3	G. Ganesh	Appellants
		v
1	The District Registrar Office of the District Registrar 1/529, Nerupperichal Village Pooluvapatti Post Tiruppur 641 602	
2	Swarnambal	
3	Amudavalli	
4	Geetha Lakshmi	
5	Devi	Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 26.07.2023 passed in W.P. No.10570 of 2023.

For petitioner Mr. S. Sethuraman

For R1 Mr. J.C. Durairaj
Additional Government Pleader



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JUDGMENT
(delivered by S. VAIDYANATHAN, J.)

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For the sake of clarity, the parties will be adverted to as per their rank in this writ appeal.

2 The facts giving rise to this writ appeal could be succinctly stated thus:

2.1 On a complaint filed by the fifth respondent before the first respondent to cancel the registered document, the appellants were issued with an enquiry call letter by the first respondent under Section 77-A of the Registration Act, for conducting summary proceedings as contemplated under the Act.

2.2 The said enquiry call letter was put to challenge by the appellants before the Single Bench, which, *vide* order dated 26.07.2023, observing that a writ petition against summons need not be entertained unless the authority issuing the same lacks jurisdiction or the same is tainted with *mala fides* and that the High Court, under Article 226 of the Constitution of India, cannot conduct a roving enquiry for the purpose of ascertaining the validity of a document and deciding disputed question of facts, dismissed the writ petition, granting liberty to the appellants to place all the facts placed and grounds raised in the writ petition, before the first respondent.

2.3 The said order of the Single Bench is under assail in this writ appeal.



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3 Notice to the other respondents is waived, inasmuch as, no order prejudicial to their interest is to be passed in this writ petition.

4 Today, when the matter was taken up for hearing, the learned counsel for the appellants submitted that the title vests with the appellants and that the issue has already been concluded upto the stage of the Supreme Court and that the private respondents are only trying to prolong the issue without allowing the issue to be given a quietus.

5 Since what has been impugned in the writ petition is only a notice issued by the authority concerned, the certified copies of the papers shall be presented to the authority concerned, who shall take a decision after hearing all the parties concerned and by considering all their pleas, within a period of one month from the date of receipt of a copy of this judgment.

This writ appeal stands disposed of with the above direction, sans costs.
Connected C.M.Ps. are closed.

(S.V.N., J.) (K.R.S., J.)
11.01.2024

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S. VAIDYANATHAN, J.

and

K. RAJASEKAR, J.

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To

The District Registrar
Office of the District Registrar
1/529, Nerupperichal Village
Pooluvapatti Post
Tiruppur 641 602

W.A. No.119 of 2024

11.01.2024