



W.P.No.37264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 37264 of 2024

A.Abdul Lathif

...Petitioner

Vs.

1.The Deputy Inspector General of Registration
Electronics Complex, Block III,
Thiru Vi - Ka Industrial Estate,
Guindy,
Chennai-600 032.

2.The District Registrar
O/o.District Registrar,
Registration Department,
North Chennai,
Chennai-600 001.

3.The Joint Sub Registrar No.I
District Registrars Office,
North Chennai,
Chennai-600 001.



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4.M.S.Kadar Hasan Maricar

5.O.Mahjabeen@Syed Joharagani Nachial

6.Shameem @ K.Umma Hanima

7.Mohammed N.Barmal

8.Hakkim F.Bharmal

9.Sabir Bhai Kasam Ali

10.Hussain Bai Kasam Ali

11.Fakrudeen Bai Kasim Ali

12.S.Huzefa

13.Joher Bhai Y.Anjaria

14.S.Aziz Ali

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Na. Ka. No. 6232/ Aa1 / 2022 dated



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29.11.2023 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to re-hear the Appeal petition dated 26.06.2022 afresh on merits.

For Petitioner : Mr. N.Manoharan

For Respondents : Mr. P.Harish
1 to 3 Government Advocate.

ORDER

The petitioner seeks to quash the orders passed by the 1st respondent and direct the 1st respondent to re-hear the appeal petition.

2. The petitioner would submit that the properties in question was owned by his ancestor Hameed Natchiyar who had executed an Inam deed dated 01.09.1933 registered as Doc.No.720/1933 on the file of the Sub-Registrar, Nagoor, in the name of her grand sons and grand daughters. They have been in absolute possession and enjoyment of the property throughout their life time and on their demise their legal heirs as per Muslim law have inherited the properties. Except for the



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family members none else have the right to the said properties.

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3. The petitioner who has approached this Court is the grand son of Zohara Gani and he would contend that the private respondents herein i.e., respondents 4 to 14 have created fraudulent documents without having any right or title to the property. On the strength of these fraudulent documents, they have also obtained a loan from the Indian Bank, Cindadiripet Branch on 19.02.2010. Within 7 months of the loan, the same was repaid and the property redeemed on 03.09.2010.

4. The petitioner would submit that the 4th respondent is the master mind behind all these fraudulent transactions. They have also sold the property worth 5 Crores for a paltry sum of Rs.1,30,00,000/-. The petitioner had given a representation dated 17.11.2014 to the respondents 1 and 2 to conduct an enquiry on the complaint and cancel the above documents. Since there was no action, the petitioner filed W.P.No.1066 of 2015, on the file of this Court to direct the 2nd respondent to conduct enquiry and take action.



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5. Directions to this effect was issued by this Court by order dated 08.01.2020. Pursuant to this order, the petitioner had appeared before the 2nd respondent and submitted documents. The respondents 4 to 14 have also appeared. The 2nd respondent passed an order dated 23.04.2020, rejecting the petitioner's claim and an appeal was preferred by the petitioner before the 1st respondent.

6. Thereafter, the 1st respondent had passed an order rejecting the appeal as time barred. This was challenged by the petitioner in W.P.No.22454 of 2022, which was allowed by this Court on 25.08.2022. The 1st respondent was directed to dispose of the appeal on merits, expeditiously.

7. Since no enquiry was conducted, the petitioner filed a contempt petition before this Court. Immediately, the 1st respondent had served an enquiry notice dated 17.11.2023 for appearance of the petitioner on 28.11.2023. Though notice was dated 17.11.2023, it was



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dispatched on 24.11.2023 at 1.16 pm and delivered to the petitioner on 28.11.2023 at 4.35 pm at Karaikal, whereas, enquiry was fixed on 28.11.2023 at 11.30 a.m., at Chennai.

8. Without even serving the notice and without even hearing the petitioner herein, the impugned order has been passed by the 1st respondent. Therefore, the petitioner is before this Court.

9. Heard the learned counsels on the either side and perused the records.

10. Without traversing into the facts or merits of the case, since the impugned order came to be passed without hearing the petitioner and the petitioner has not been given a fair opportunity to represent his case as directed in the earlier order of this Court in W.P.No.22454 of 2022, the impugned order cannot be sustained.

11. Therefore, the impugned order is set aside. The matter is



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remitted back to the 1st respondent for fresh consideration. Since the principles of natural justice has been violated, this order is being issued without notice to the private respondents, who would get an opportunity to present their case before the 1st respondent after it is taken up for enquiry.

12. It is need less to state that notice shall be issued by the 1st respondent to all the parties concerned, objections received and after giving them personal hearing, the 1st respondent shall proceed to pass speaking orders. The said exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order.

13. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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