



W.P.(MD).No.732 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.732 of 2024

and

W.M.P.(MD).No.737 of 2024

K.T.Sivashanmugam

... Petitioner

vs.

1.The Sub Registrar,
Kodaikanal Sub Registrar Office,
Kodaikanal,
Dindigul District.

2.A.Sabari Aaladi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling upon the impugned notice culminated in Na.Ka.No.388/2023, dated 02.01.2024 on the file of the 1st respondent and quash the same as illegal, null and void, arbitrary, without authority and without jurisdiction and by way of Mandamus forbearing the 2nd respondent or his agents or any other persons claiming under him from encumbering or alienating the suit property in O.S.No.846 of 2010 on the file of the II Additional Subordinate Judge, Tiruchirappalli.



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For Petitioner : Mr.B.Prasanna Vinoth
For R1 : Mr.S.Shanmugavel
Additional Government Pleader
For R2 : Mr.M.Kannan

ORDER

This Writ Petition has been filed challenging the impugned notice issued by the first respondent in Na.Ka.No.388/2023, dated 02.01.2024 and to quash the same and by way of Mandamus forbearing the 2nd respondent or his agents or any other persons claiming under him from encumbering or alienating the suit property in O.S.No.846 of 2010 on the file of the II Additional Subordinate Judge, Tiruchirappalli.

2. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned Additional Government Pleader appearing for the first respondent would submit that it is only an enquiry notice issued by the Sub Registrar, Kodaikanal Sub Registrar Office, Kodaikanal,



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Dindigul District in Na.Ka.No.388/2023, dated 02.01.2024, directing the petitioner to appear before him on 12.01.2024 at 10.00 p.m. along with relevant documents to establish the case. He would further submit that only after conducting an enquiry, appropriate order will be passed by the first respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

5. Considering the submission made by the learned Additional Government Pleader, this Court directs the petitioner to appear before the first respondent for enquiry and the first respondent is directed to complete the enquiry and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by the order, he is at liberty to approach this Court by way of fresh writ petition.



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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

11.01.2024

akv

To

The Sub Registrar,
Kodaikanal Sub Registrar Office,
Kodaikanal,
Dindigul District.



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V.BHAVANI SUBBAROYAN,J.

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