



W.P.(MD) No.24705 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.24705 of 2023

and

W.M.P.(MD)Nos.20888 and 20889 of 2023

Anbu Vidhya

...Petitioner

-vs-

1.The District Registrar,
Registration Department,
Virudhunagar District,
Virudhunagar.

2.Kalaimagal Sabha Uruppinargal
Pathukappu Sangan (Regn.No.008/03),
Rep. by its President, Kovai Sakthi,
No.811, Salivan Street,
Coimbatore – 641 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the 1st respondent in Na.Ka. No.30/Aa5/2023 dated 31.07.2023 and quash the same as illegal and consequently direct the respondents to drop all further proceedings pursuant to the impugned notice issued by the 1st respondent in Na.Ka. No.30/Aa5/2023 dated 31.07.2023.

For Petitioner

: Mr.R.Aravindan

For R1

: Mr.M.Siddharthan

Additional Government Pleader

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For R2

: Mr.M.Prakash

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ORDER

Challenge has been made to the enquiry notice issued by the first respondent Na.Ka. No.30/Aa5/2023 dated 31.07.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The case of the petitioner is that the subject property is originally owned by the petitioner's father and all the documents are in the name of his father. While so, the second respondent without having any right over the subject property, had made a complaint to cancel the aforesaid document which stands in the name of the petitioner's father. Based on the said complaint, the first respondent issued the enquiry notice, which is put to challenge in this writ petition.

4.At the outset, the enquiry notice issued by the first respondent is not valid in the eye of law, since the very Section 77(A) inserted under Registration Act to cancel the registered document, is struck down by the



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Division Bench of this Court in W.P.No.10291 of 2022 batch. That apart, the issue of title and the fraudulent transaction cannot be gone into by the authorities, which has to be established in the manner known to law before the civil Court in view of the decisions made in ***Satya Pal Anand v. State of M.P.*** [2016 10 SCC 767] and ***G. Rajasulochana v Inspector General*** [W.P 29706 of 2024 dated 16.04.2024].

5.In view of the above settled position of law, the enquiry notice issued by the first respondent cannot be sustained. Accordingly, this writ petition is allowed and the enquiry notice issued by the first respondent in Na.Ka. No.30/Aa5/2023 dated 31.07.2023 is set aside. The parties shall work out their remedy before the competent Civil Court. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

NCC : Yes / No
Index : Yes / No
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To:
1.The District Registrar,
Registration Department,
Virudhunagar District, Virudhunagar.

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N.SATHISH KUMAR, J.

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