



W.P.(MD) No.24678 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.24678 of 2023
and
W.M.P.(MD)No.20862 of 2023

Sankareswari

...Petitioner

-vs-

1.The District Registrar,
Office of the District Registrar,
Madurai (South), Madurai.

2.The Sub Registrar,
Joint IV Sub Registrar Office,
Madurai.

3.The Sub Registrar,
Sub Registrar Office,
Thiruparankundram,
Madurai.

4.Dinesh Chandra Agarwal

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records pertaining to the impugned summon issued by the 1st respondent vide proceeding in Na.Ka.No.6319/A2/2023 dated 05.09.2023 and quash the same.

1/4



W.P.(MD) No.24678 of 2023

For Petitioner : Mr.M.Shakulhameed
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader
For R4 : No appearance

ORDER

Challenge has been made to the enquiry notice issued by the first respondent Na.Ka.No.6319/A2/2023 dated 05.09.2023.

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 was purchased by the petitioner in the year 2008 and since then she has been in possession and enjoyment of the property. While so, the fourth respondent without having any right over the subject property, had made a complaint to cancel the aforesaid document stand in the name of the petitioner. 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



W.P.(MD) No.24678 of 2023

Registration Act to cancel the registered document, is struck down by the 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.6319/A2/2023 dated 05.09.2023 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
ta



WEB COPY



W.P.(MD) No.24678 of 2023

N.SATHISH KUMAR, J.

ta

To:

- 1.The District Registrar,
Office of the District Registrar,
Madurai (South), Madurai.
- 2.The Sub Registrar,
Joint IV Sub Registrar Office,
Madurai.
- 3.The Sub Registrar,
Sub Registrar Office,
Thiruparankundram,
Madurai.

W.P.(MD) No.24678 of 2023

23.09.2024