



W.P.(MD) No.25151 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.25151 2023

and

W.M.P.(MD)No.21373 of 2023

Ashok

...Petitioner

-vs-

1.The District Registrar (Admin)
Pudukottai District,
Pudukottai.

2.The Sub Registrar,
Thirumayam Registration Office,
Thirumayam,
Pudkottai District.

3.Neethiman @ Alagu

...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 relating to the impugned order made by the first respondent in his proceedings in Na.Ka.No.6315/A2/2022 dated 07.02.2023 and quash the same as illegal.



W.P.(MD) No.25151 of 2023

For Petitioner : Mr.S.Alagusundar
For R1 & R2 : Mr.C.Satheesh
Government Advocate
For R3 : Mr.J.Vishnu

ORDER

Challenge has been made to the enquiry notice issued by the first respondent Na.Ka.No.6315/A2/2022 dated 07.02.2023.

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 third respondent without having any right over the subject property, had made a complaint to cancel the documents stand 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.



W.P.(MD) No.25151 of 2023

WEB COPY

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 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. The validity of the documents stand in the name of the petitioner's father cannot be gone into by the registering authorities. It has to be proved by adducing evidence before the competent civil Court.

6. 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.6315/A2/2022 dated 07.02.2023 is set aside. The parties



W.P.(MD) No.25151 of 2023

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
Internet : Yes / No
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To:

- 1.The District Registrar (Admin)
Pudukottai District,
Pudukottai.
- 2.The Sub Registrar,
Thirumayam Registration Office,
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W.P.(MD) No.25151 of 2023

N.SATHISH KUMAR, J.

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W.P.(MD) No.25151 of 2023

23.09.2024