



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

WEB COPY

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.8943 of 2022

K.Shanmugam

.... Petitioner

-Vs-

1.The District Registrar
Registration Department
Coimbatore.

2.The Sub Registrar
Ganapathy
Coimbatore-641 006.

3.A.Vijayalakshmi

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 1st respondent notice in Na.Ka.No.9606/Aa1/2021 dated 06.12.2021.

For Petitioner : Mr.Sam Jayaraj Huston
for M/s.Sarvabhauman Associates

For Respondents : Mr.B.Vijay
Additional Government Pleader
for R1 & R2

Mr.D.Selvam for R3



ORDER

This writ petition has been filed challenging the impugned notice of the 1st respondent dated 06.12.2021, calling upon the petitioner for enquiry based on the complaint given by the 3rd respondent.

2. Heard Mr.Sam Jayaraj Huston, learned counsel for the petitioner, Mr.B.Vijay, learned Additional Government Pleader for R1 & R2 and Mr.D.Selvam, learned counsel for R3.

3. In the considered view of this Court, the 1st respondent does not have the power to proceed further with the enquiry either under Section 77A of the Registration Act, which has been declared as unconstitutional by the Division Bench of this Court in ***M. Kathirvel v. Inspector General of Registration Department and Others*** reported in **2024 4 CTC 769** or under Section 68(2) of the Registration Act wherein the Division Bench has held that the District Registrar cannot hold an enquiry with respect to the legality or otherwise of a registered document. It is brought to the notice of this Court that there are already pending suits between the parties. In view of the same, it is left open to both the parties to raise all the grounds before the concerned Court where the civil proceedings are pending and proceed further in accordance with law.



4.This writ petition is disposed of with the above terms. No costs.

WEB COPY

01.04.2025

Index : Yes/No
NCS : Yes/No
KP

To

- 1.The District Registrar
Registration Department
Coimbatore.
- 2.The Sub Registrar
Ganapathy
Coimbatore-641 006.

N.ANAND VENKATESH, J.



WEB COPY



KP

Writ Petition No.8943 of 2022

01.04.2025