

In the High Court of Judicature at Madras

Dated: 24.08.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Appeal No. 1246 of 2014

M/s. Ozone Projects Private Limited
rep. by its Managing Director S. Vasudevan
Old No.32, New No.63, G.N. Chetty Road
T. Nagar, Chennai 600 017. .. Appellant

vs.

1. R. Raghunandan
2. A.R. Lakshmi
3. The Inspector General of Registration
100, Santhome High Road
Mylapore, Chennai 600 004.
4. The Sub-Registrar
Office of the Sub-Registrar
Anna Nagar, Chennai.
5. The Member Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai
Egmore, Chennai 600 008. .. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 11.07.2014 passed by the learned Single Judge, in Writ Petition No. 16499 of 2014 on the file of this Court. W.P. presented under Art 226 of the constitution of India to issue a Writ of Mandamus to direct the first Respondent to complete the investigation as advised/reported by in his order of investigation dated 03/02/2012, Ref.No.54720/R/3/2011 and submit his report of investigation to this court, within the time as stipulated by this court.

For Appellant : Mr. R. Krishnamurthy, Sr. Counsel
for Mr. R. Swaminathan
For Respondents : Mr. R. Raghunandan
Party-in-person - R1
Mr. V.R. Kamalanathan
Addl. Govt. Pleader for R3 & R4
Mr. C. Johnson
Standing Counsel for R5

JUDGMENT

(Delivered by The Hon'ble The Chief Justice)

The appeal is directed against the impugned order dated 11.07.2014 passed by the learned Single Judge, while disposing of Writ Petition No.16499 of 2014.

2. A perusal of the impugned order shows that elaborately from paras 1 to 29, the learned Single Judge has dealt with the contentions advanced by both sets of parties. As to why one side is right and other side is wrong and as to what reason persuaded him, however, is supposed to be contained in para 30. In that para 30, again some facts are stated and then, direction is issued. We are, thus, unable to understand the reasoning persuading him to pass the impugned order. There is in fact absence of any reasoning.

3. We cannot convert the Appeal Court into a Court of first instance and the role of the Appeal Court would be to scrutinize the reasoning of the learned Single Judge to determine as to whether it suffers from any error of law or facts or not. However, in the absence of any reasoning, it would be an impossible task.

4. We, having no other option, are thus, constrained to set aside the impugned order and remit it back to the learned Single Judge dealing with the roster, to pass a fresh order in accordance with law.

5. The appeal is allowed. No costs. Consequently, M.P.No.1/2014 is closed.

6. We may notice that in para 30 there is an order deleting the names of the counsel mentioned in the complaint, which finding has not been challenged by either of the parties, as there is no cross appeal.

7. The first respondent appearing in person states that his mother passed away on 14.07.2014 and she is survived by himself, his brother and two sisters, whose power of attorney he holds. Learned senior counsel for the appellant states that they will take necessary steps immediately to bring on record the legal heirs in the writ petition, which stands remitted back to the learned Single Judge for reconsideration.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ATR

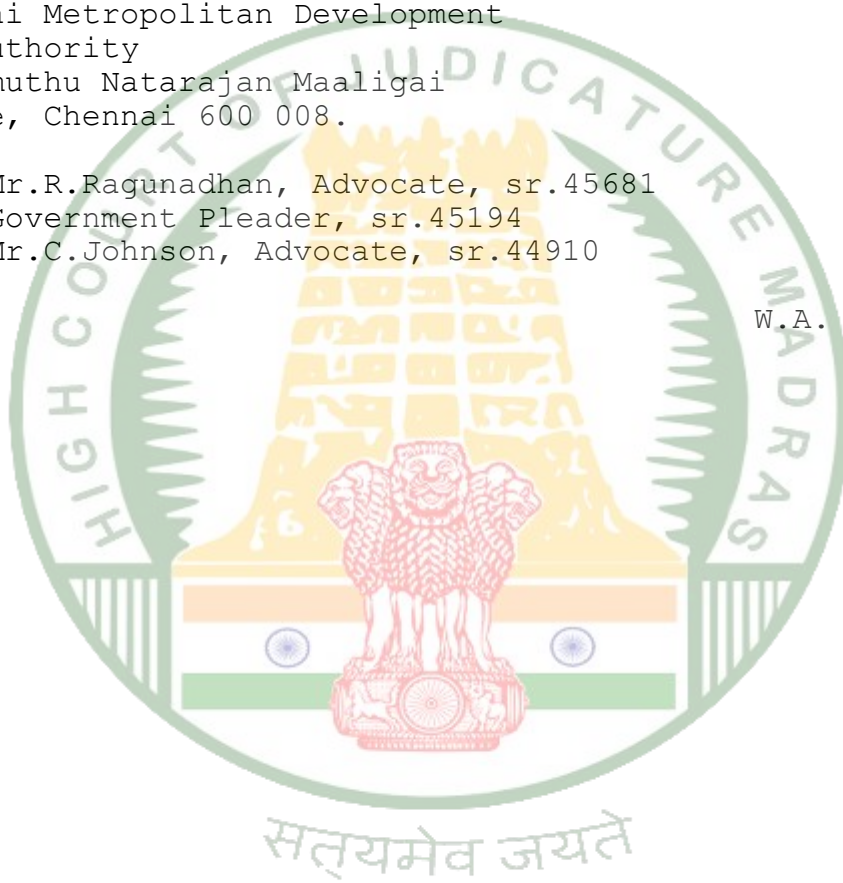
Copies to;

1. The Inspector General of Registration
100, Santhome High Road
Mylapore, Chennai 600 004.
2. The Sub-Registrar
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Anna Nagar, Chennai.
3. The Member Secretary
Chennai Metropolitan Development
Authority
Thalamuthu Natarajan Maaligai
Egmore, Chennai 600 008.

+1 cc to Mr.R.Ragunadhan, Advocate, sr.45681
+1 cc to Government Pleader, sr.45194
+1 cc to Mr.C.Johnson, Advocate, sr.44910

tej(co)
kra(4/9)

W.A. No. 1246 of 2014



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