

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1159 of 2014 and M.P.Nos.1, 2 and 3 of 2014

Sivasamy

...Petitioner

Vs

1. The District Registrar (Administration)
District Registration Office,
Tiruppur.

2. The Inspector of Police,
Antiland Grabing Cell,
Mangalampalayam,
Dharapuram Taluk,
Tirupur District

3. Kuppusamy

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the report submitted by the 2nd respondent herein dated 21.08.2013 in Na.Ka.No.118/Inspector/A.L.G.S.C/2013, and consequential proceedings initiated by the 1st respondent herein in Na.Ka.No.6112/B1/2013 dated 18.11.2013 and quash the same.

For Petitioner : Mr.V.N.Mohanraj

For Respondents : Mr.Jayaprakash Narayanan
Additional Government Pleader for
R1 and R2

Mr.B.Manoharan for R3

O R D E R

Heard Mr.V.N.Mohanraj, learned counsel appearing for the petitioner and Mr.Jayaprakash Narayanan, learned Additional Government Pleader appearing for 1st and 2nd respondents and Mr.B.Manoharan, learned counsel appearing for 3rd respondent.

2.The petitioner has filed this Writ Petition challenging the report submitted by the Anti-Land Grabbing cell based on the complaint given by the 3rd respondent as well as a notice issued by the 1st respondent invoking the power under Section 83 of the Registration Act and calling upon the petitioner and 3rd respondent to appear for enquiry in person or through their counsel.

3. In so far as the report submitted by the Anti-land Grabbing Special cell is concerned, it is to be pointed out that Constitution of the 36 of Anti Land Grabbing Special Cell in Tamil nadu was pursuant to the Government G.O.Ms.No.423 dated 28.07.2014. The said Government order and the consequential Government Orders were put to challenge in a batch of Writ Petitions in W.P.Nos.18872 of 2011 etc., batch and the Hon'ble First Bench of this Court by an order dated 10.02.2015 allowed the Writ Petitions and quashed the G.O.Ms.No.423 dated 28.07.2014, by which the Constitution of 36 of Anti-Land Grabbing Special Cell were formed in the State of Tamilnadu.

4.In the light of the decision of the Hon'ble First Bench of this Court, the 2nd respondent can no longer exercise the power in the State of Tamilnadu, as Constitution of the Special Cell, was held to be in-valid and the relevant G.O.Ms.No.423 dated 28.07.2014 has been quashed and hence the consequential report submitted by the 2nd respondent dated 21.08.2013 also deserves to be scrapped and accordingly the report submitted by the 2nd respondent dated 21.08.2013 is scrapped. However, it is open to the 1st respondent to issue notice under Section 83 of the Registration Act and after hearing the petitioner and the 3rd respondent shall proceed in accordance with law as expeditiously as possible.

With the above observation, this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

TO

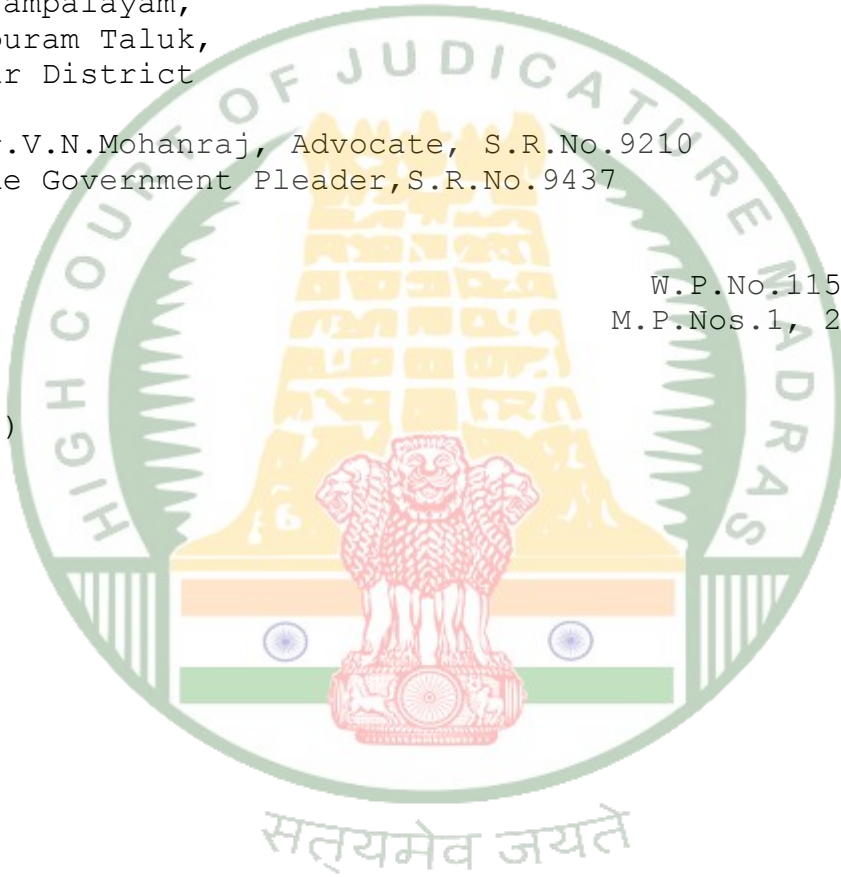
1. The District Registrar (Administration)
District Registration Office,
Tiruppur.

2. The Inspector of Police,
Antiland Grabing Cell,
Mangalampalayam,
Dharapuram Taluk,
Tirupur District

+1cc to Mr.V.N.Mohanraj, Advocate, S.R.No.9210
+1cc to the Government Pleader,S.R.No.9437

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jp(CO)
gp(26/2/15)



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