

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21966/2015 & Mp.No.1/2015

P.S.Jayakumar

... Petitioner

Versus

1.The District Registrar,
No.K 9/3, Coonoor Road,
Charring Cross, Near Saraswami
Mani Hospital, Udhagamandalam,
Nilgiris District, Tamil Nadu.

2.The Inspector General of Registration
Santhome Road, Pattinapakkam,
Chennai 600 028.

3.S.Sathyathan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorari calling for the records of the 1st respondent in its summon dated 22.06.2015 in Ref.No.568/B1/2015 and quash the same.

For Petitioner : Mr.S.R.Rajagopal

For RR 1 & 2 : Mr.R.A.S.Senthilvel, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner, challenging the summon dated 22.06.2015 issued by the office of the 1st respondent based on the direction given by the 2nd respondent dated 03.11.2011, came forward to file this writ petition stating among other things, that the case projected by the 3rd respondent do not require an enquiry under Circular No.67 dated 03.11.2011 issued by the 1st respondent.

3.Heard the submissions made by the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

4.It is the vehement submission of the learned counsel for the petitioner that in respect of the property located at Coonoor, a Sale Deed was registered at Kanchipuram and though a civil suit is pending in OS.No.32/2015 on the file of the District Munsif, 1st respondent is proceeding with the enquiry.

5.Per contra, Mr.R.A.S.Senthilvel, learned Additional Government Pleader would submit that 1st respondent has merely issued a summon calling upon the petitioner to attend the preliminary enquiry and it is always open to the petitioner to give a detailed response along with the documents so as to enable the 1st respondent to conduct and conclude the preliminary enquiry for sending a report to the 2nd respondent.

6.This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner as well as the 3rd respondent, permits the petitioner to submit a detailed representation / response by enclosing all relevant documents to the 1st respondent, who, on receipt of the same, shall take into consideration and after putting the petitioner as well as the 3rd respondent on notice, shall conclude the preliminary enquiry and forward the report to the 2nd respondent as expeditiously as possible.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

1.The District Registrar,
No.K 9/3, Coonoor Road,
Charring Cross, Near Saraswami
Mani Hospital, Udthagamandalam,
Nilgiris District, Tamil Nadu.

2.The Inspector General of Registration
Santhome Road, Pattinapakkam,
Chennai 600 028.

+1cc to Mr.S.R. Rajagopal, Advocate, S.R.No.37252
+1cc to the Government Pleader, S.R.No.37409

GJ(CO)
EU(10/08/2015)

W.P.No.21966/2015