

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.18849 of 2014

V.Sundaravadivelu

... Petitioner

vs.

1.The Sub-Registrar
Kodambakkam, Chennai - 24

2.Inspector General of Registration
Chennai - 600 004 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order made in Check slip No.1/2014 dated 23.05.2014 which has been issued by the 1st respondent based on the internal communication passed by the 2nd respondent and quash the same and direct the first respondent to register the said instruments .

For Petitioner : Mr.S.Veeraraghavan
For Respondents :Mrs.P.Rajalakshmi
Government Advocate

ORDER

Heard Mr.S.Veeraraghavan, learned counsel for the petitioner and Mr.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

2. The petitioner challenges the check slip issued by the first respondent dated 23.05.2014 by which the first respondent has refused to entertain the document for registration relying upon a circular issued by the Inspector General of Registration. The first respondent, being a statutory authority under the Registration Act cannot abdicate the statutory rules by placing reliance on the circular without verifying whether such circular can be issued by the second respondent.

3. In any event, the impugned proceeding is outcome of non-application of mind and the same is passed without issuing notice to the petitioner and without affording an opportunity of personal hearing to the petitioner. Hence, I am of the view that the impugned proceedings is illegal and the same is liable to be quashed on all these three grounds. The petitioner is directed to re-present the document for registration along with the copy of this order. On receipt of the same, the first respondent shall take into consideration the petitioner's contention and proceed in accordance with law. The above said direction shall be complied with within a period of three weeks from the date on which the document is presented by the petitioner for registration.

4. The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/True Copy/

Sub Asst. Registrar

gpa

To

1. The Sub-Registrar
Kodambakkam, Chennai - 24

2. Inspector General of Registration
Chennai - 600 004

+1 CC to Government Pleader, Sr.No.7664
+1 CC to M/S.S.Veeraraghavan, Advocate SR 7391

SAI (CO)
PKS
21/02/2015

W.P.No.18849 of 2014

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