

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.35914 of 2015

and MP.No.1 of 2015

Narmatha @ Mahaloutchumy

... Petitioner

Vs

1 The Union Territory of Puducherry
Rep by its Chief Secretary,
Secretariat, Puducherry.

2 The District Registrar.
Office of District Registrar, Puducherry.

3 The Sub-Registrar,
Oulgarpet Sub-Registrar Office, Oulgarpet,
Puducherry.

4 Kasi Anand

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 & 3 herein to conduct an enquiry as per the circular dated 18.03.2015 and as per provisions of Rule 54 & 71 of Puducherry Registration Rules upon the Petitioners representation dated 29.03.2015.

For Petitioner : Mr.S.S.Sundar

For Respondents : Mr.M.Govindaraj, GP, Puducherry [for
R1 to R3]

O R D E R

Seeking a direction to the respondents 2 and 3 to conduct an enquiry as per the circular dated 18.03.2015 and as per provisions of Rule 54 and 71 of Puducherry Registration Rules, the petitioner made a representation dated 29.03.2015. As no orders have been passed on the said representation, the present Writ Petition has been filed.

2. The grievance of the petitioner is that though an order was passed earlier by this Court in WP.No.28385 of 2015 dated 09.09.2015 directing the second respondent to conclude the enquiry as contemplated under Rules 54 and 71 of the Pondicherry Registration Rules, the petitioner being the complainant, has not been heard. In the order dated 09.09.2015, the third respondent herein was directed to conduct an enquiry, after affording an opportunity of hearing the fourth respondent herein. The petitioner is said to have given the complaint against the fourth respondent.

3. Thus, in all fairness, the second respondent herein has to hear the petitioner also. After all, that is the purpose of enquiry. Ultimately, the endeavour of the 3rd respondent must be to unearth the truth.

4. Therefore, the Writ Petition stands disposed of, by directing the third respondent to hear the petitioner before complying the order dated 09.09.2015 passed by this Court earlier. Accordingly, time granted in the said order is extended for a further period of six weeks from the date of receipt of a copy of this order. This order is passed in view of the fact that the petitioner is not a party in the earlier writ petition and the grievance of the petitioner in this writ petition is that he has not been heard by the third respondent by misconstruing the earlier order. It is made clear that till the conclusion of enquiry status quo as on today shall be maintained, provided the enquiry is not concluded and appropriate decision is made already. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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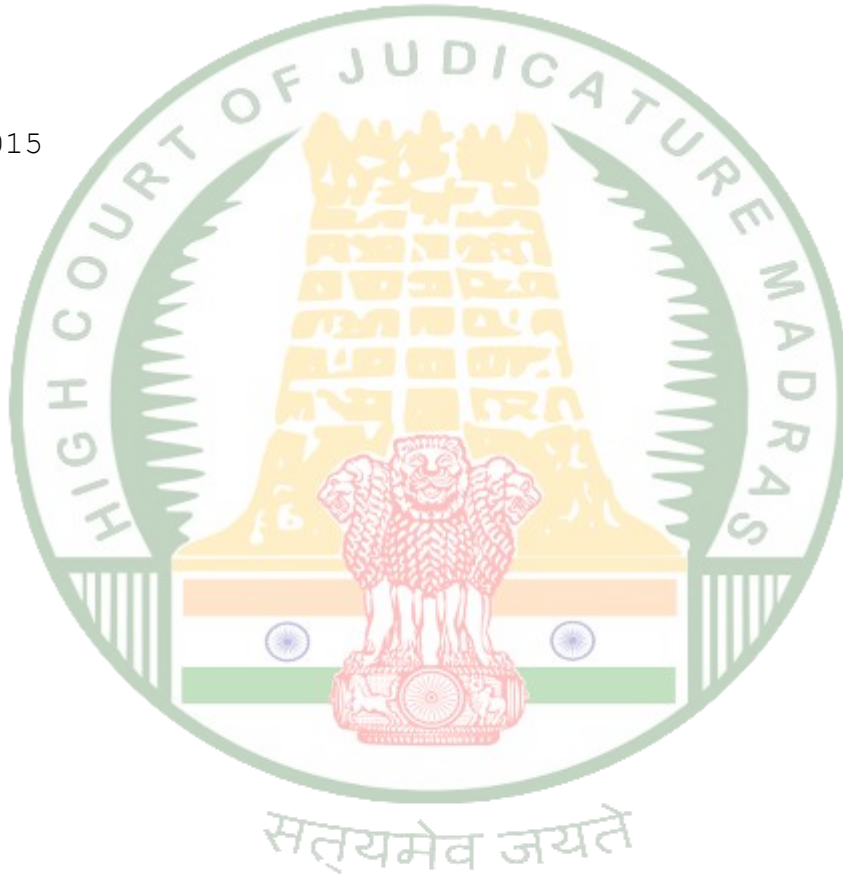
- 1 The Chief Secretary,
Secretariat, Puducherry.
- 2 The District Registrar.
Office of District Registrar, Puducherry.

3 The Sub-Registrar,
Oulgarpet Sub-Registrar Office, Oulgarpet,
Puducherry.

+3 ccs to Mr.S.Sundar, advocate sr.60856
+1 cc to the Government Pleader cum Public Prosecutor
(pondy) sr.61219

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