

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.14829 of 2016

WMP.No.12966 of 2016

R.Sivakumar .. Petitioner

Vs.

The Inspector General of Registration,
100, Santhome High Road, .. Respondent
Chennai-600 028.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from deciding petitioner's appeal petition dated 30.12.2015 pending in No.57694/U1/2015-1 on the file of the respondent unless a reasonable opportunity of hearing to advance his oral arguments and to submit citations is given, instead of asking him to answer the questionnaire prepared by the respondent.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2. The grievance expressed by the petitioner is that in respect of appeal preferred by him to the first respondent as against the order of the Additional Inspector General of Registration (Stamps and Registration) (I/c), during the course of hearing, a written questionnaire have been given to the appellant who is, as an Advocate, to answer the same.

3. It is the submission of the learned counsel appearing for the petitioner that the questions asked in the questionnaire, have nothing to do with the appeal petition at all and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondent would submit that only for the purpose of seeking clarification, the Appellate Authority has furnished the questionnaire and it is for the petitioner either to answer or not to answer the same.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. The Appellate Authority, on going through the contents of the appeal petition, had sought for certain clarifications in the form of questionnaire and it is open to the petitioner to answer the same. It is needless to say that the Appellate Authority is exercising statutory function and therefore, he has to conduct enquiry in the appeal petition in a fair and proper manner and decide the appeal on merits and in accordance with law.

7. This Writ Petition is disposed of subject to above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

+1 cc to Mr.N.Manokaran, Advocate,SR.36931.

+1 cc to Government Pleader,SR.37525.

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