

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No. 1678 of 2016

and

WMP. No. 1459 of 2016

S. Saritha

... Petitioner

vs.

1 The Inspector General of Registration
Santhome High Road
Chennai - 600 028

2 The District Registrar
Salem West
Salem.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the impugned letter dated 16.12.2015 made in No. 55624/U1/2015 on the file of the 1st respondent and quash the same and direct the 1st respondent to take up the petitioner appeal dated 16.12.2015 filed before him against order dated 24.11.2015 made in No. 4926/B1/2015 passed by the 2nd respondent and dispose of the same in accordance with law within the time limit as fixed by this Court.

For Petitioner :Mr. P. Wilson, Sr. counsel
for Mr. V.J. Arul Raj

For Respondents :Mr. V. Jayaprakash Narayanan
Special Govt. Pleader

ORDER

The petitioner had come up with the present writ petition for a Certiorarified Mandamus, calling for the impugned letter dated 16.12.2015 made in No. 55624/U1/2015 on the file of the 1st respondent and quash the same and direct the 1st respondent to take up the petitioner appeal dated 16.12.2015 filed before him against order dated 24.11.2015 made in No. 4926/B1/2015 passed by the 2nd respondent and dispose of the same in accordance with law within the stipulated time.

2. The petitioner has filed an appeal under Section 69 of the Registration Act, before the 1st respondent, against the order passed by the 2nd respondent dated 24.11.2015, dismissing the petitioner's complaint to cancel the fraudulent documents executed by one Mr. Kandasamy in favour of Mr. Velkrishna, as per Section 83 of the Registration Act and Circular No. 67 dated 03.11.2011. But, the 1st respondent, vide the impugned letter dated 16.12.2015, informed the petitioner that the appeal and its proceedings have been stopped, in view of the stay granted by this Court in M.P. No. 1 of 2012 in W.A. No. 1382 of 2012 dated 24.08.2012 and in W.P. No. 26019 to 26021 of 2012 dated 26.09.2012. Hence, aggrieved over the same, the present writ petition has been filed.

3. When the matter came up for hearing, learned counsel for the petitioner submitted that in M.P. No. 1 of 2012 in W.A. No. 1382 of 2012 dated 24.08.2012, only stay of prosecution has been granted and therefore there cannot be any impediment for the 1st respondent to dispose of the appeal. The learned counsel for the petitioner also invited the attention of this Court, to the stay order passed by this Court in M.P. No. 1 of 2012 in W.A. No. 1382 of 2012 dated 24.08.2012,. On perusal of the order, it is seen that the prosecution alone is stayed.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Therefore, this Court considers that there cannot be any impediment for the 1st respondent to dispose of the appeal filed by the petitioner. Hence, the impugned proceedings dated 16.12.2015 made in No. 55624/U1/2015 issued by the 1st respondent is quashed. In view of the above, the 1st respondent is directed to take up the appeal dated 16.12.2015 filed by the petitioner, against the order dated 24.11.2015 made in No. 4926/B1/2015 passed by the 2nd respondent and dispose of the said appeal, by affording an opportunity of personal hearing to the petitioner as well as the necessary parties and pass appropriate orders within eight weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law.

6. Accordingly, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

2 The District Registrar
Salem West, Salem.

+1cc to Mr.V.J.Arulraj, Advocate, S.R.No.13095
+1cc to the Government Pleader Sr.13242

W. P. No. 1678 of 2016
and
WMP. No. 1459 of 2016

cnr (CO)
srg (02/03/2016)

सत्यमेव जयते

WEB COPY