

WMP.Nos.20246 TO 20248/2016 in WP.Nos.19386 TO 19388/2016

M.SATHYANARAYANAN, J.,

The above miscellaneous petitions have been filed to recall the orders dated 09.06.2016, passed by this Court in WP.Nos.19386 to 19388/2016.

2 Mr.Ma.P.Thangavel, learned counsel for the petitioner has drawn the attention of this Court to the affidavits filed in support of these miscellaneous petitions and would contend that the father of the petitioner, [late] Appadurai, has inherited the landed property through a registered Release Deed dated 25.07.1936, comprised in Old SF.No.710/1 and New Survey No.96/7, admeasuring to an extent of 1.69 acres, situate in Kudimayamkuppam, Panruti Taluk, Cuddalore District and after his demise on 30.08.1957, the petitioner herein along with the other legal heirs, had succeeded to the said Estate and on account of the rival claims, the petitioner and the other legal heirs as well as the rival claimants had filed suits for declaration and for other consequential reliefs and the suit filed by the rival claimants came to be decreed and

challenging the legality of the same, the petitioner herein and other legal heirs, had filed a suit in AS.No.341/2016 and the same is pending on the file of this Court, wherein, the vendors of the writ petitioners / respective 1st respondent herein, are parties. It is the submission of the learned counsel for the petitioner that though the respective 1st respondent / writ petitioners are very much aware of the pendency of the litigation, had filed the writ petitions alleging non-registration of the Sale Deed and though the petitioner herein has been arrayed as the 4th respondent, without ordering notice, the writ petitions came to be allowed and as a consequence, the 4th respondent herein, viz., The Sub Registrar, SRO, Pudupettai, Panruti Taluk, Cuddalore District, has also registered the Sale Deed presented by the writ petitioners on 01.08.2016. It is also contended by the learned counsel for the petitioner that the orders passed in the writ petitions, without hearing the petitioner herein, may have a bearing in the pending Appeal Suit in AS.No.341/2016 and therefore, prays for recall of the order dated 09.06.2016.

3 Per contra, Mr.R.Baskar, learned counsel appearing for the respective 1st respondent / writ petitioners would contend that this Court, while disposing of the writ petitions on 09.06.2016, merely

followed the settled position of law and also taken note of the order dated 18.03.2011 made in WP.No.4952/2011 [*K.S.Vijayendran Vs The Inspector General of Registration, Santhome High Road, Santhome, Chennai-600 028 and another*] and as such, the order need not be recalled and would further contend that the pendency of the writ petition will not have any bearing in the pending Appeal Suit in AS.No.341/2016 and prays for dismissal of the above miscellaneous petitions.

4 This Court heard the submissions of Mr.I.Arockiasamy, learned Government Advocate appearing for the respondents 2 to 4 in the above miscellaneous petitions and also perused the materials placed before it.

5 Admittedly, AS.No.341/2016 is pending and though the petitioner herein was arrayed as a party in the said writ petitions, without hearing him, the writ petitions came to be disposed of. Therefore, this Court is of the view that an opportunity is to be afforded to be given to the petitioner herein and to file his counter affidavit and to contest the writ petitions.

M.SATHYANARAYANAN, J.,

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6 Hence, the order made by this Court dated 09.06.2016 in WP.Nos.19386 to 19388/2016 is recalled. However, it is made clear that the registration of the Sale Deed on 01.08.2016 presented by the respective 1st respondents/writ petitioners, is subject to the result of these writ petitions.

7 The petitions are ordered accordingly.

18.11.2016

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