

In the High Court of Judicature at Madras

Dated : 21.9.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.32925 of 2016

S.Chellappan

...Petitioner

Vs

1.The Inspector General of
Registration,
Santhome, Mylapore, Chennai-4.

2.The District Registrar (South),
Chennai-15.

3.The Joint Sub-Registrar-I, Saidapet,
South Chennai, Chennai-15.

4.Dr.V.P.R.Varadharajan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to hear and dispose of the appeal submitted by the petitioner dated 23.7.2012 challenging the order of the second respondent dated 14.6.2012 within a time frame.

For Petitioner : Mr.T.S.Baskaran

For Respondents 1to3 : Mr.A.N.Thanmbidurai, SGP

ORDER

Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice for respondents 1 to 3. Heard both. In view of the limited nature of relief this Court intends to grant, the writ petition itself is taken up for final disposal without ordering notice to the fourth respondent.

2. The petitioner seeks a direction to the first respondent to consider his appeal petition dated 23.7.2012 challenging the order passed by the second respondent dated 14.6.2012, which order was passed exercising the power conferred on the Deputy Registrar pursuant to Circular No.67.

3. Finding that the appeal petition is dated 23.7.2012, this Court posed a question to the learned counsel for the petitioner as to why for such a long time and at whose instance, the appeal was kept pending.

4. In reply, the learned counsel for the petitioner submitted that the petitioner challenged the jurisdiction of the second respondent to exercise his powers and to set aside the document by filing a writ petition in W.P.No. 11224 of 2012 and the said writ petition was pending, though there were no interim orders. Ultimately, the said writ petition was dismissed on 28.1.2013, as against which, the petitioner preferred a writ appeal in W.A.No.765 of 2013 and there was an order of interim stay granted by the Hon'ble Division Bench of this Court. Ultimately, the said writ appeal was dismissed on 29.6.2016.

5. These averments have been set out in paragraphs 6 and 9 of the affidavit in support of the above writ petition and this appears to be the sole reason for the keeping the matter pending by the first respondent and it is attributable to the petitioner, as he chose to challenge the jurisdiction of the second respondent before this Court.

6. It is submitted by the learned counsel for the petitioner that the Hon'ble Division Bench of this Court, while dismissing the said writ appeal, permitted the petitioner to canvass all grounds in the appeal, which is now pending before the first respondent.

7. Since this writ petition is being disposed of without ordering notice to the fourth respondent, the merits of the contentions raised by the petitioner with regard to the correctness of the order passed by the second respondent are not gone into and they are left open to be decided by the first respondent in the pending appeal.

8. Considering the above facts, the writ petition is disposed of with a direction to the first respondent to consider the appeal petition dated 23.7.2012 on merits and in accordance with law and after notice to the petitioner and the fourth respondent and after affording an opportunity of personal hearing, the above direction shall be complied with not later than three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

RS

To

1.The Inspector General of Registration,
Santhome, Mylapore, Chennai-4.

2.The District Registrar (South), Chennai-15.

3.The Joint Sub-Registrar-I, Saidapet,
South Chennai, Chennai-15.

+ 2 ccs to Mr.T.S. Baskaran, Advocate SR.53695

W.P.No.32925 of 2016

RJ(CO)
EU 18.10.16



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