



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20547 of 2016

P.S.Chandra

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai 28.

2.The District Registrar,
Trichy, Trichy District.

3.E.Thangamani

4.S.Sankar

5.T.Muthurajalingam

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to his letter in Letter No. 35275/U4/2016 dated 17.08.2016 and quash the same with further direction to the 1st respondent to dispose of the appeal of the petitioner dated 22.07.2016 within the time stipulated by this Court.

For Petitioner : Mr.K.Chellapandian,
Senior Counsel for
Mr.M.Saravanakumar

For Respondents 1&2 : Mr.V.Muruganandam

ORDER

Challenging the order passed by the Inspector General of Registration, Chennai, the first respondent herein, dated 17.08.2016 refusing to consider the appeal dated 22.07.2016 filed by the petitioner, the present writ petition has been filed.

2.Heard Mr.K.Chellapandian, learned Senior Counsel appearing for the petitioner and Mr.V.Muruganandam, learned Additional Government Pleader appearing for the respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is the grievance of the petitioner that the petitioner has made representation to the second respondent to



take action against third respondent regarding the misdeed committed by him by forging the petitioner's signature in getting life certificate. On receipt of the said representation, the second respondent passed an order holding that the complaint of the petitioner is not sustainable and she has to approach the competent court for the redressal of her grievance. Challenging the said order, the petitioner has preferred an appeal before the first respondent. The first respondent after receipt of the said appeal, passed an order on 17.08.2016 stating that since the above circular is stayed by this Court until the stay is vacated, the appeal filed by the petitioner cannot be considered.

4.Relying upon the order passed by this Court in W.P.No.10169 of 2016, dated 04.04.2016, learned Senior Counsel appearing for the petitioner submitted that the Circular No.67, dated 03.11.2011 issued by the first respondent has already been upheld by this Court and there is no order of interim stay in the writ appeal. In the above circumstances, the first respondent cannot refuse to pass orders, in view of the order passed by this Court upholding the Circular No.67, dated 03.11.2011.

5.Learned Additional Government Pleader appearing for the respondents would fairly admit that the validity of the said circular has been upheld by this Court and the order passed by the learned single Judge was also not stayed by the Division Bench of this Court.

6.In the above circumstances, since the validity of the circular has been upheld by this Court and it was also not stayed by the Division Bench, there is no impediment for the respondent to proceed with the appeal filed by the petitioner dated 22.07.2016. Accordingly, the first respondent is directed to consider the appeal filed by the petitioner dated 22.07.2016 and pass orders after issuing notice to the petitioner as well as rival claimants, if any, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly allowed and the impugned order passed by the first respondent dated 17.08.2016 is set aside. No costs.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar



To

1. The Inspector General of Registration,
Santhome, Chennai 28.

2. The District Registrar,
Trichy, Trichy District.

+2cc to M/s.M.Saravanakumar, Advocate, in SR No. 63337 & 63385.

+1cc to Special Government Pleader in SR.No.64231.

Writ Petition (MD) No.20547 of 2016
25.10.2016

sms

msm/gsv-pm/sar3/08.12.16/p3/6c