



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.20821 of 2016andW.M.P(MD)No.14872 of 2016

A.L.Narayanan

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome High Road,
Mylapore, Chennai -4.

2.The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District.

... 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 impugned order passed by the 1st respondent in his letter No.30790/U4/2016 dated 21.07.2016 and quash the same consequently direct the 1st Respondent to pass order on merits in the appeal pending before the 1st respondent within a stipulated period fixed by this Court.

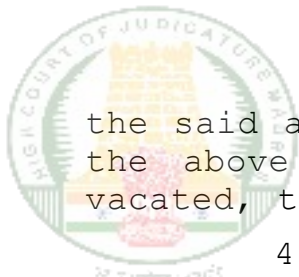
For Petitioner : Mr.S.Satheesh Kumar

For Respondents : Mr.N.S.Karthikeyan,
Additional Government Pleader.ORDER

Challenging the order passed by the Inspector General of Registration, Chennai, the first respondent herein, dated 21.07.2016 refusing to consider the appeal dated 30.06.2016 filed by the petitioner, the present writ petition has been filed.

2.Heard Mr.S.Satheesh Kumar, learned counsel appearing for the petitioner and Mr.N.S.Karthikeyan, learned Additional Government Pleader appearing for the respondents.

3.It is the grievance of the petitioner that the petitioner has made representation to the second respondent regarding the cancellation of fraudulent transaction in Survey No.363/8 and after issuing notice to all the parties concerned the second respondent passed an adverse order against the petitioner and therefore, the petitioner preferred an appeal dated 30.06.2016 before the first respondent. The first respondent after receipt of



the said appeal, passed an order on 01.09.2016 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 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 30.06.2016. Accordingly, the first respondent is directed to consider the appeal filed by the petitioner dated 30.06.2016 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 21.07.2016 is set aside. No costs. Consequently, W.M.P(MD)No.14872 of 2016 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

1.The Inspector General of Registration,
Office of the Inspector General of
Registration, Santhome High Road, Mylapore, Chennai -4.

2.The District Registrar,
Office of the District Registrar,
Karaikudi, Sivagangai District.

+One cc to The special Government Pleader, SR.No.64730

+One cc to Mr.S.SATHEESH KUMAR, Advocate, SR.No.63732

sms

RL/5C/2P/SKS/RR/12.12.2016

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and

W.M.P (MD) No.14872 of 2016

26.10.2016