



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.21323 of 2016

C.Santhanakumar

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
Office of District Registrar,
Palayamkottai,
Tirunelveli - 9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider his appeal, dated 15.05.2014 and pass appropriate orders within a stipulated time fixed by this Court.

For Petitioner	: Mr.A.Jayaramachandran
For Respondents	: Mr.V.Muruganandham Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2.By consent, the Writ Petition itself is taken up for final disposal.

3.According to the petitioner, he filed an appeal before the first respondent against the order passed by the second respondent, on 15.05.2014. After receipt of the appeal, by an order dated 16.07.2015, the first respondent informed the petitioner that Circular No.67/2011 has been stayed by this Court and his appeal will be considered, after stay has been vacated.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned counsel for the petitioner submitted that this Honourable Court has upheld the validity of G.O and subsequently a Writ Appeal has been filed by the State and there



is no interim order staying the Circular and hence, there is no impediment for the first respondent to consider his appeal.

5. In a similar circumstances, this Court in W.P(MD)No.4464 of 2016, dated 11.04.2016, passed an order which reads as follows:-

"3. Now the petitioner is aggrieved only against the order of the second respondent for the reason that having come to the conclusion that they have got the right to decide the matter under Circular No.67, he should not have dismissed only on the ground that there is an order of interim stay in a batch of writ petitions. Whereas in a batch of Writ Petitions in W.P (MD)Nos.5908 of 2012 and batch, it is held that there is no prohibition for the authority to dispose of the matter, on merits and in accordance with law. Even though the order was passed on merits in favour of the petitioner, in the last portion alone it has been stated that no order has been passed because of the injunction granted, which is wrong. Further, the contention of the fourth respondent that he also has the right to challenge the order, but, at this point of time, it does not arise since there is no interim order against the authority to pass order under Circular No.67. In other words, he can pass an order absolutely based on the findings. Hence, the matter is remitted back to the second respondent. Accordingly, the second respondent is directed to dispose of the case of the petitioner, on merits and in accordance with law, as expeditiously as possible, as there is no injunction order as asserted in the impugned order."

6. In the above circumstances, the first respondent is directed to consider the petitioner's appeal, dated 15.05.2014, on merits and in accordance with law, after issuing notice to the rival claimants, if any, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

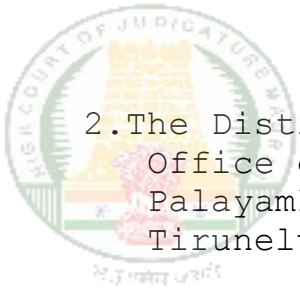
Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.



2.The District Registrar,
Office of District Registrar,
Palayamkottai,
Tirunelveli - 9.

+1cc to Mr.A.Jayaramachendran, Advocate SR.No.66667
+1cc to special Government Pleader SR.No.67108

ps

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W.P (MD) No.21323 of 2016
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