

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.4065 of 2017

M.V.Ponnusamy

... Petitioner

vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.
2. The District Registrar (Admin).,
Office of the District Registrar,
1/3, Vignesh Complex,
Postal Nagar, Thiruppur - 2. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the impugned Letter dated 14.12.2016 made in Letter No.50894/U3/2016 and quash the same and consequently direct the 1st respondent to take up the petitioner's appeal preferred against the order of the 2nd respondent made in Na.Ka.No.811/A1/2016 dated 29.09.2016 and dispose of the same in accordance with law.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.A.Kumar,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the impugned Letter dated 14.12.2016 passed by the 1st respondent and for a consequential direction to the 1st respondent to take up his appeal preferred against the order of the 2nd respondent made in Na.Ka.No.811/A1/2016 dated 29.09.2016 and dispose of the same in accordance with law.

2. According to the petitioner, he owns an extent of land situated in S.No.441/13-A, Muthur Village, Kangeyam Taluk, Tiruppur District, acquired vide partition deed dated 05.12.1984 registered as Document No.2394 of 1984 on the file of the Sub-Registrar, Kangeyam. It is the case of the petitioner that the adjacent land owners on the northern side of the aforesaid property, without any valid right or title in his pathway, created forged documents and registered the same under Document Nos.2382/15, 2383/15, 2385/15 and 1696/15 on the file of the Sub-Registrar, Vellakoil. The said documents included his pathway situated in S.No.441/13-A, Muthur Village. Hence, the petitioner preferred a petition before the District Registrar, Tiruppur Registration District, the 2nd respondent herein, to conduct an enquiry in accordance with the Circular issued by the 1st respondent in Circular No.67, dated 11.02.2011.

3. Pursuant thereto, the 2nd respondent issued summons, heard and received written submissions from the respective parties. He also obtained a Report from the Sub-Registrar, Vellakoil. The said report was on a discreet enquiry made by the Sub-Registrar, Vellakoil, wherein, it was stated that no encumbrance is created in S.No.441/13-A, Muthur Village. But, the 2nd respondent, without considering the merits of the petitioner's petition, by an order dated 29.09.2016, rejected the same based on the Report of the Sub-Registrar, Vellakoil, in a blindfolded manner. Aggrieved by the rejection order, the petitioner preferred an appeal before the 1st respondent/Inspector General of Registration, Chennai along with the required documents. But, the 1st respondent, by an order dated 14.12.2016, informed the petitioner that the appeal proceedings have been stopped in view of the stay granted by this Court in M.P.No.1 of 2012 in W.A.No.1382 of 2012, dated 24.08.2012 and in W.P.No.26019 to 26021 of 2012, dated 26.09.2012.

4. When the matter came up for hearing, learned counsel for the petitioner submitted that in M.P.No.1 of 2012 in W.A.No.1382 of 2012, dated 24.08.2012 and in W.P.No.26019 to 26021 of 2012, dated 26.09.2012, only stay of prosecution has been granted and therefore contended that there cannot be any impediment for the 1st respondent to dispose of the appeal.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. In view of the above, this Court is of the view that there cannot be any impediment for the 1st respondent to dispose of the appeal filed by the petitioner. Hence, the impugned proceedings dated 14.12.2016 made in Letter No.50894/U3/2016 is quashed. Without going into the merits of the case, this Court directs the 1st respondent herein to take up the appeal filed by the petitioner against the order dated 29.09.2016 passed by the 2nd respondent and dispose of the same, by affording an opportunity of hearing to the

petitioner as well as the necessary parties and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

aeb

Sd/-
Assistant Registrar (CS VI)
/TRUE COPY/

Sub-Assistant Registrar

To:

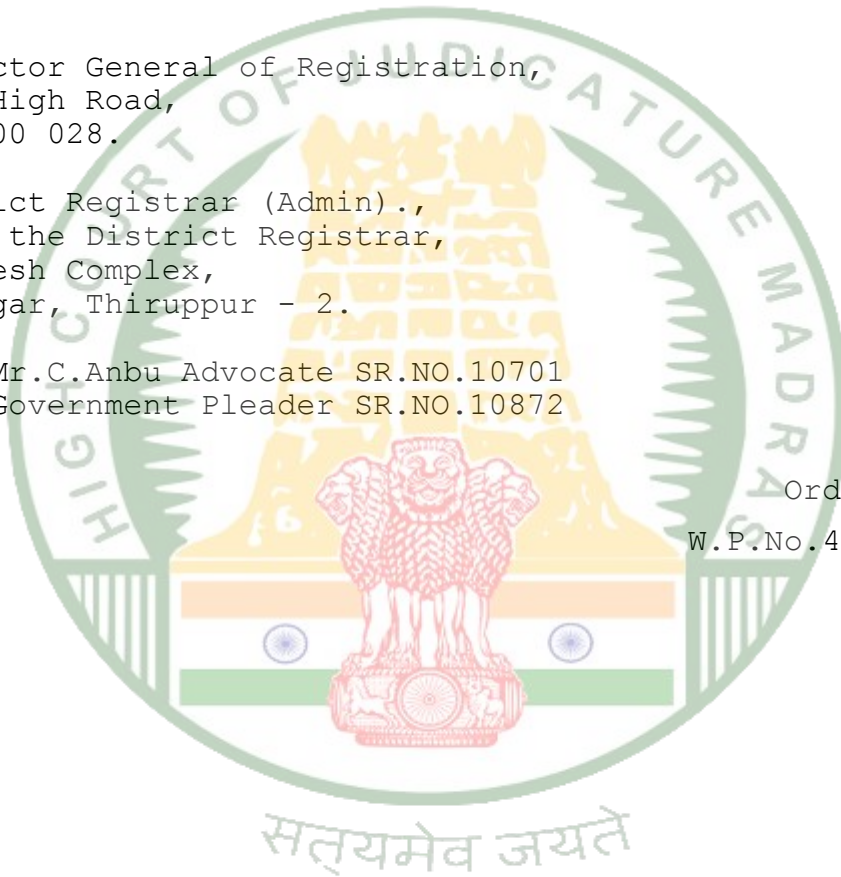
1. The Inspector General of Registration,
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+1 CC to Mr.C.Anbu Advocate SR.NO.10701
+1 CC to Government Pleader SR.NO.10872

Order in
W.P.No.4065 of 2017

SR[CO]

MK:07/03/2017



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