

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.4316 of 2017

M/s.Chennai Power Generation Limited,  
No.10, 1st Street, Gopalapuram,  
Chennai - 600 083.

rep. by its President - Technical Mr.Justin Paul

...Petitioner

V.

1. The Inspector General of Registration,  
Santhome High Road,  
Chennai - 600 028.

2. The District Registrar,  
Chennai South, Saidapet,  
Chennai - 600 015.

3. The Sub-Registrar,  
Rajeswari Nagar, Virugambakkam,  
Chennai - 600 092.

... Respondents

Prayer : 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 impugned letter bearing Lr.No.57185/U2/2016 dated 21.12.2016 and quash the same and to further direct the 1st Respondent to consider the Petitioner's appeal dated 05.12.2016 and dispose of the same in accordance with Circular No.67 of 2011 dated 03.11.2011 within a fixed time limit.

For Petitioner .. Mr.R.Ramasubramaniam Raja

For Respondents .. Mr.S.Navaneetham  
Additional Government Pleader

ORDER

The petitioner has filed the present writ petition to call for the records of the first respondent impugned letter bearing Lr.No.57185/U2/2016 dated 21.12.2016 and quash the same and to further direct the first Respondent to consider his appeal dated 05.12.2016 and dispose of the same in accordance with Circular

No.67 of 2011 dated 03.11.2011 within a fixed time limit.

2.According to the petitioner, he filed an appeal before the first respondent on 05.12.2016 against the order passed by the second respondent dated 19.09.2016. Thereafter, the first respondent passed the impugned order on 21.12.2016 stating that only after the interim stay of Circular No.67 of 2011 dated 03.11.2011 passed by this Court in W.P.Nos.26019 to 26021 of 2012 has been vacated, the appeal filed by the petitioner will be decided.

3.The learned counsel for the petitioner has brought to the notice of this Court that in the case of Ramasamy V. State of Tamil Nadu reported in 2014 (4) CTC 627, this Court has held that 'The Circular issued by the Department is Constitutionally valid' and dismissed the Writ Petitions filed by the Petitioner in W.P.(MD).No.5908 of 2013 etc. batch cases. Being aggrieved by the said order, a writ appeal has been preferred before this Court and this Court has granted the interim stay of prosecution and the writ appeal is still pending before this Court.

4.Following the aforesaid order passed in W.P.(MD).Nos.5908 of 2013 etc. batch dated 17.07.2014 (in the case of Ramasamy), this Court, by order dated 01.03.2016 in W.P.No.1678 of 2016 in the case of S.Saritha V. The Inspector General of Registration Santhome High Road, Chennai, has allowed the writ petition by directing the respondents to dispose of the appeal within the time framed by this Court. Another writ petition was also filed before this Court in W.P.(MD).No.4464 of 2016 and this Court on 11.04.2016 had directed the respondents to dispose of the appeal, since there is no injunction order has been granted against the Circular No.67 dated 03.11.2011.

5.In the light of the above said orders passed by this Court, there is no hesitation to set aside the impugned order passed by the first respondent dated 21.12.2016 and further this Court comes to the conclusion that there cannot be any impediment for the first respondent to dispose of the appeal filed by the petitioner. In view of the above, this Court directs the first respondent to dispose of the appeal dated 05.12.2016 on merits and in accordance with law, after affording an opportunity to the parties concerned, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order

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

s/d-  
Assistant Registrar (CS-II)

//True Copy//

Sub-Assistant Registrar

To

1. The Inspector General of Registration,  
Santhome High Road,  
Chennai - 600 028.
2. The District Registrar,  
Chennai South, Saidapet,  
Chennai - 600 015.
3. The Sub-Registrar,  
Rajeswari Nagar, Virugambakkam,  
Chennai - 600 092.

+1 CC to Mr. R. Ramasubramaniam Raja, Advocate sr 11068  
+1 CC to Govt. Pleader sr 11452

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SSI (CO)  
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