

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.11.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.No.11192 of 2014
and
M.P.Nos.2 of 2014 and 1 of 2015

1.K.Palanisamy
2.K.Ramasamy
3.Mayangathal
4.Sundharathal

.. Petitioners

Vs

1.The Inspector General of Registration,
20, Santhome High Road,
Chennai-28.

2.The District Registrar [Admn.],
Assistant Inspector General of Registration,
Tiruppur,
Tiruppur District.

3.The Sub Registrar,
Avinashi,
Tiruppur District.

4.The Inspector of Police,
Anti Land Grabbing Special Wing,
District Crime Branch,
Tiruppur, Tiruppur District.

5.The Inspector of Police,
Avinashi Police Station,
Crime No.714 of 2013,
Tiruppur District.

6.Kandasamy

7.Subramaniam,
S/o.Late Ramasamy Gounder

8.Subramaniam
S/o.Late Karichi Gounder

9.Govindasamy

10.Subramaniam
S/o.Late Palanisamy

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records relating to the impugned Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 on the file of the 1st respondent and the consequential enquiry notice made in Na.Ka.No. 34/A1/2014 dated 27.01.2014 on the file of the 2nd respondent and to quash the same.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.R.Vijayakumar, AGP for R1 to R5
Mr.K.Balakrishnan for R6 to R10

O R D E R

[Order of the Court was made by A.SELVAM, J.]

This Writ Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the Circular No.67 dated 03.11.2011, issued by the first respondent and the consequential enquiry notice issued by the second respondent in Na.Ka.No.34/A1/2014 dated 27.01.2014 and quash the same by way of issuing Writ of Certiorari.

2.The learned counsel appearing for the petitioners has contended to the effect that on the basis of representation given by the tenth respondent and also by virtue of Circular No.67 dated 03.11.2011, the second respondent has issued the impugned notice dated 27.01.2014, and further, the tenth respondent has requested the second respondent to cancel the document and the second respondent is not having such power under Section 83 of the Registration Act, 1908 and further, Circular No.67 dated 03.11.2011, has already been withdrawn by the Government of Tamil Nadu and further, an FIR has been registered in Crime No.714 of 2013 for launching criminal prosecution and under the said circumstances, the present Writ Petition has been filed praying the relief sought therein.

3.The learned counsel appearing for the respondents No.6 to 10 has vehemently contended to the effect that the respondents No.6 to 10 are the absolute owners of properties in

question, by virtue of purchase. The petitioners have instituted a civil suit, simply on the basis of an oral sale agreement and the same has also been dismissed and so many legal proceedings have become emerged, at the instance of the petitioners and the tenth respondent has given a representation to the second respondent, so as to cancel the documents which stand in the names of the petitioners and under the said circumstances, notice dated 27.01.2014 has been issued by the second respondent and therefore, the relief sought in the Writ Petition cannot be granted.

4.The learned Additional Government Pleader has submitted the Circular dated 20.10.2017, issued by the Government of Tamil Nadu, wherein, it is clearly stated that Circular No.67 dated 03.11.2011 has been withdrawn.

5.It is an admitted fact that only on the basis of Circular No.67 dated 03.11.2011, the second respondent has issued the enquiry notice dated 27.01.2014, wherein, directed the petitioners to make their appearance by 24.02.2014. Therefore, it is quite clear that the date mentioned in the notice has become expired and further, the said notice has been issued in pursuance of Circular No.67 dated 03.11.2011, which has been subsequently withdrawn by the Government of Tamil Nadu.

6.Further, it is seen from the representation made on the side of the petitioners that with regard to alleged illegal acts of the petitioners, a case has been registered in Crime No.714 of 2013 against the petitioners.

7.Considering the over all circumstances, this Court is of the view to allow the present Writ Petition to the extent mentioned below:

In fine, this Writ Petition is allowed in part without cost. The consequential enquiry notice issued by the second respondent in Na.Ka.No. 34/A1/2014 dated 27.01.2014 is quashed. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
20, Santhome High Road,
Chennai-28.

2.The District Registrar [Admn.],
Assistant Inspector General of Registration,
Tiruppur, Tiruppur District.

3.The Sub Registrar,
Avinashi, Tiruppur District.

4.The Inspector of Police,
Anti Land Grabbing Special Wing,
District Crime Branch,
Tiruppur, Tiruppur District.

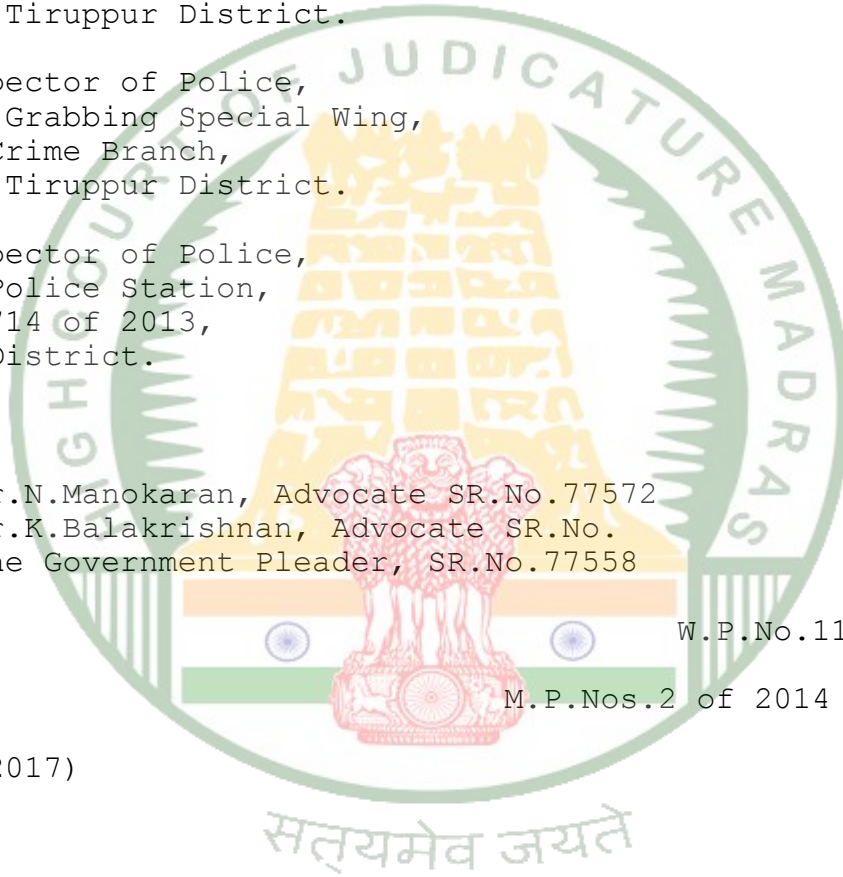
5.The Inspector of Police,
Avinashi Police Station,
Crime No.714 of 2013,
Tiruppur District.

+1cc to Mr.N.Manokaran, Advocate SR.No.77572
+1cc to Mr.K.Balakrishnan, Advocate SR.No.
+1cc to the Government Pleader, SR.No.77558

W.P.No.11192 of 2014
and

M.P.Nos.2 of 2014 & 1 of 2015

KGK (CO)
GN(28/11/2017)



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