

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2017

Coram

The Hon'ble Mr.Justice M.DURAISWAMY

W.P.No.11107 of 2017

N.Senthil Kumar

...Petitioner

Vs.

1. The Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600028.
2. The District Registrar (Admin),
No.9, Jeans Road,
Saidapet, Chennai - 600015.
3. The Sub-Registrar,
2nd Street, Kazura Garden,
Neelankarai, Chennai - 600041.

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for records of First Respondent in Impugned Letter No. 9974/U1/2015 dated 29.3.2016 in Appeal No.9974 of 2016 and quash Letter No. 9974/U1/2015 dated 29.3.2016 in Appeal No.9974 of 2016 and consequently, directing the First Respondent to conduct enquiry on merits in Appeal No. 9974 of 2016 under Circular No. 67 for the annulment of Settlement Deeds Document Nos.6819, 6820, 6821, 6822, 6853, 6854 of 2013 registered before the Sub-Registrar of Neelankarai and pass orders on the same.

For Petitioner : Mr.J.Sivanandaraaj for
Mr.V.Sankaranayaranan

For Respondents : A.M.Thambidurai, SGP

O R D E R

Mr.A.N.Thambidurai, learned Special Government Pleader Advocate takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records of the first respondent in the Impugned letter dated 29.3.2016 in Appeal No.9974 of 2016 and to quash Letter dated 29.3.2016 and consequently, direct the first respondent to conduct enquiry on merits in Appeal No.9974 of 2016 under Circular No. 67 for the annulment of Settlement Deeds Document Nos.6819, 6820, 6821, 6822, 6853 and 6854 of 2013 registered in the office of the Sub-Registrar of Neelangarai and pass orders on the same.

4. By the Impugned letter dated 29.03.2016, the first respondent declined to go into the merits of the appeal for the reason that there is a stay granted by this court in W.P.Nos.26019 to 26021 of 2012 and in W.A.No.1382 of 2012 dated 24.08.2012. The first respondent instead of holding enquiry in the petitioner's appeal, observed that the petitioner's appeal will be taken up only after the order of stay granted by this court is vacated.

5. It is brought to the notice of this court by the learned counsel on either side that in Writ Appeal No.1382 of 2012 and in W.P.No.26019 of 2012, only the initiation of the criminal prosecution has been stayed. The impugned order has been passed by the first respondent mainly on the ground that the interim stay of Circular No.67, dated 03.11.2011, granted by this Court is still in force.

6. The Madurai Bench of this Court, in the order dated 11.04.2016 made in WP [MD] No.4464/2016 [M/s.Vardan Foods Private limited and another Vs. The Inspector General of Registration, Registration Department, Chennai-28 and others] has held that the authority concerned is not prevented from considering the matter on merits despite the existence of the interim stay of the prosecution and remitted the matter back the authority concerned for fresh consideration and disposal.

7. Following the said order, the impugned order dated 29.03.2016 is hereby set aside and the matter is remitted back to the first respondent for fresh consideration and disposal.

8. The First respondent is directed to consider the petitioner's appeal in Appeal No.9974 of 2016 afresh and dispose of the same on merits and in accordance with law, within the period of eight weeks from the date of receipt of copy of this order.

With these observations, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

raja/rg

To

1. The Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600028.
2. The District Registrar (Admin),
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Saidapet, Chennai - 600015.
3. The Sub-Registrar,
2nd Street, Kazura Garden,
Neelankarai, Chennai - 600041.

+1cc to Mr.V.Sankaranarayanan, Advocate, S.R.No.36458

br(co)
rmp(09/05/17)

W.P.No.11107 of 2017

सत्यमेव जयते

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