

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM:

THE HON'BLE MR. JUSTICE A.SELVAM

and

THE HON'BLE MR. JUSTICE P.KALAIYARASAN

W.P.No.14365 of 2015

H.S.Ramakrishnan

... Petitioner

vs.

The Sub Registrar,
Harur,
Dharmapuri District

... Respondent

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records relating to the proceedings in Na.Ka.No.611/2014, dated 15.04.2015, on the file of the respondent and quash the same and direct the respondent to consider the representation of the petitioner dated 12.03.2013 and to cancel the document in Document No.1030 of 2013, by applying the circular of the Inspector General of Registration in Circular No.67 dated 03.11.2011 (C.No.52338/C1/2011).

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Vijayakumar,A.G.P

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 impugned order dated 15.04.2015, passed in Na.Ka.No.611/2014 and quash the same, on the basis of a representation dated 12.03.2013, by way of issuing a writ of certiorarified mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the absolute owner of the property in question and one Ramadevi has falsely

executed a sale deed in favour of one Danasekar and others and in order to cancel the same, by virtue of Circular No.67 dated 03.11.2011, a representation has been given on 12.03.2013, but the respondent, even without giving any prior notice to the petitioner, has passed the impugned order dated 15.4.2015 and the same is liable to be quashed. Under the said circumstances, the present writ petition has been filed.

3.It is an admitted fact that the representation dated 12.03.2013 has been given by the petitioner only by virtue of Circular No.67, dated 03.11.2011. It is also equally an admitted fact that the said Circular has been subsequently withdrawn by the Government of Tamil Nadu, by way of issuing another Circular, dated 20.10.2017. Under the said circumstances, the so called representation dated 12.03.2013 cannot be disposed of inconsonance with the Circular No.67.

4.The main grievance expressed on the side of the petitioner is that the representation dated 12.03.2013 has been disposed of by the respondent by way of passing the impugned order, even without giving proper opportunity to him.

In fine, this writ petition is dismissed without cost. However, liberty is given to the petitioner to give a fresh representation without invoking the provisions of Circular No.67 dated 03.11.2011.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

msk

To

The Sub Registrar,
Harur,
Dharmapuri District

+1cc to Mr.S.Doraisamy, Advocate SR.No.80733

W.P.No.14365 of 2015

KK (CO)
GN (29/11/2017)