

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.22028 of 2017

&

W.M.P.No.23079 of 2017

V.Chinnathambi

... Petitioner

vs.

1. The Inspector General of Registration
O/o. The Inspector General of Registration
Chennai - 600 028

2. The District Registrar
Registration Department
Salem (West) District
Salem

3. The Sub-Registrar
Omalar Sub-Registrar's Office
Omalar
Salem District

4. P.Kumar

5. N.Kumaravel

6. V.Venkatachalam

7. C.Krishnan

8. Chithirai Selvan

9. Ravivarma

10. Sangeetha

11. C.Rajindiran

12. Vanitha

13. Pallavi

14. Sagunthala

15. Sanjudevi

16. K.S.Ganesh Kumar

17. K.S.Prasanna Kumar

18. K.Gobinath

19. K.R.Anitha

20. K.G.Ravikumar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent, pertaining to his impugned letter No.4928/U1/2016, dated 11.07.2016 and quash the same and consequently directing

the 1st respondent herein to consider and dispose the appeal of the petitioner dated 30.01.2016.

For Petitioner : Mr.Kandhanduraisami

For Respondents : Mr.Era.Premnath
Government Advocate
for R1 to R3

O R D E R

Mr.Era.Premnath, learned Government Advocate takes notice for the respondents 1 to 3. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent, pertaining to his impugned letter dated 11.07.2016, to quash the same and consequently direct the 1st respondent to consider and dispose of the appeal filed by him, dated 30.01.2016.

3. The learned counsel appearing for the petitioner submitted that the 1st respondent, vide impugned letter dated 11.07.2016, informed the petitioner that Circular No.67, dated 03.11.2011, has been stayed by the Division Bench of this Court and therefore, the appeal pending on the file of the 1st respondent cannot be disposed of. The learned counsel submitted that the Division Bench of this court had only stayed the prosecution and has not granted an order of stay in respect of Circular No.67 in toto.

4.Mr.Era.Premnath learned Government Advocate, appearing for the respondents 1 to 3 submitted that the 1st respondent may be directed to pass orders on the appeal filed by the petitioner, in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, since the Division Bench of this Court had only granted an order of interim stay of prosecution alone, there is no impediment for the 1st respondent to proceed with the appeal pending on his file and dispose of the same, in accordance with law. However, he cannot initiate prosecution against the private respondents in view of the interim stay granted by this Court in the pending Writ Appeals.

6. In these circumstances, I direct the 1st respondent to dispose of the appeal dated 30.01.2016, after giving notice to all the interested parties, within a period of three months, from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Inspector General of Registration
O/o. The Inspector General of Registration
Chennai - 600 028
2. The District Registrar
Registration Department
Salem (West) District
Salem
3. The Sub-Registrar
Omalar Sub-Registrar's Office
Omalar
Salem District

+1cc to M/s.Muthumani Doraisami, Advocate, S.R.No.59530
+1cc to the Government Pleader, S.R.No.59913

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&
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KJ(CO)
CA(13/09/2017)

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