

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.11.2017

CORAM

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

W.P.No.1773 of 2016
and W.M.P.Nos.1565 & 1566 of 2016

P.Pappayammal ... Petitioner

Vs

- 1.The Inspector General of Registration
O/o.The I.G. Registration,
Chennai-28.
- 2.The District Registrar [Administration],
Chennai South,
O/o.The District Registrar,
Chennai South at Saidapet,
Chennai.
- 3.The Sub Registrar,
T.Nagar,
Chennai-17.
- 4.R.Usha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records of the 2nd respondent dated 09.03.2015 made in No.4181/A3/2013 and the order of the 1st respondent made in letter No.52469/U1/2015 dated 10.12.2015 and quash the same.

For Petitioner : Mr.E.Narayanan
For Respondents : Mr.R.Vijayakumar,
AGP for R1 to R3
Mr.S.A.Rajan for R4

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 consequential order passed by the second respondent on 09.03.2015 and quash the same, by way of issuing Writ of Certiorari.

2.The learned counsel appearing for the petitioner has contended to the effect that the petitioner has executed an agreement of sale in favour of one Chinnadurai and the same has been challenged by the fourth respondent by way of giving a representation to the second respondent and the second respondent has cancelled the said sale agreement, by way of passing an order dated 09.03.2015 and against that order, an appeal has been preferred before the first respondent and the first respondent has issued a notice dated 10.12.2015. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the fourth respondent has contended that with regard to title of the property involved in the impugned order passed by the second respondent, a Civil Suit No.1132 of 2009 is pending on the file of this Court, wherein, the fourth respondent is also one of the defendants.

4.It is an admitted fact that the second respondent has passed the impugned order dated 09.03.2015 only on the basis of Circular No.67 dated 03.11.2011 and the same has been subsequently withdrawn by the Government of Tamil Nadu, by virtue of Circular dated 20.10.2017.

5.Considering the fact that Circular No.67 dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu and also considering with regard to title of property involved in the order passed by the second respondent, C.S.No.1132 of 2009 is pending on the file of this Court, this Court is inclined to pass the following order :

In fine, this Writ Petition is allowed in part without cost. The order dated 09.03.2015 passed by the second respondent in No.4181/A3/2013 is quashed. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

To

- 1.The Inspector General of Registration
O/o.The I.G. Registration,
Chennai-28.
- 2.The District Registrar [Administration],
Chennai South,
O/o.The District Registrar,
Chennai South at Saidapet,
Chennai.
- 3.The Sub Registrar,
T.Nagar,
Chennai-17.

+1 cc to M/s.S.A.Rajan Advocate sr 78430
+1 cc to the Govt Pleader sr 79001
+1 cc to M/s.E.Narayanan Advocate sr 79064

W.P.No.1773 of 2016
and

W.M.P.Nos.1565 & 1566 of 2016

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