

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2017

CORAM

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

W.A.No.1382 of 2012
and
M.P.No.1 of 2012 and C.M.P.No.12664 of 2016

1.K.Murugesan
2.K.Palaniammal
3.S.Thangarajan
4.S.Radha
5.Chellammal

... Appellants/Petitioners

Vs

1. The Inspector General of Registration
20, Santhome High Road
Chennai 28.
2. The District Registrar,
Namakkal District,
Namakkal.
3. The Sub Registrar,
Tiruchengode,
Namakkal District.

4. M.Kandasamy

... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.04.2012 made in W.P.No.11661 of 2012.

W.P.No.11661 of 2012 : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the impugned Circular No.67, dated 3.11.11 in C.No.52338/C1/2011 on the file of the 1st respondent and the consequential order No.269/A1/2012 dated 19.3.12 on the file of the 2nd respondent and quash the same.

For Appellants : Mr.N.Manokaran

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
(R1-3)

M/s Sarvabhauman Associates (R4)

J U D G M E N T

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

This Writ Appeal has been preferred against the impugned order dated 25.04.2012 passed in W.P.No.11661 of 2012, by a learned Single Judge of this Court.

2. The appellants herein as petitioners have filed a writ petition in W.P.No.11661 of 2012 on the file of this Court under Article 226 of the Constitution of India, praying 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 consequential order No.269/A1/2012 dated 19.03.2012 on the file of the 2nd respondent and quash the same.

3. The learned Single Judge, after considering the rival contentions raised by either side, has dismissed W.P.No.11661 of 2012, by way of passing the impugned order and the same is being challenged in the present Writ Appeal.

4. Mr.R.Vijayakumar, learned Additional Government Pleader has submitted that the impugned Circular No.67 dated 03.11.2011 has been withdrawn by virtue of Circular dated 20.10.2017 and therefore, the relief sought in the Writ Appeal has become infructuous.

5. Learned counsel appearing for the appellants has contended that in pursuance of the Circular dated 03.11.2011, the 2nd respondent has passed consequential order dated 19.03.2012 and the same has to be quashed.

6. It is an admitted fact that by virtue of Circular dated 20.10.2017, Circular No.67 dated 03.11.2011 passed in C.No.52338/C1/2011 has been withdrawn. Since the Circular dated 03.11.2011 itself has been withdrawn subsequently on 20.10.2017, this Court is inclined to quash the following order.

7. In fine, this Writ Appeal is allowed. The consequential order passed by the 2nd respondent dated 19.03.2012 is quashed,

in view of withdrawal of Circular No.67 dated 03.11.2011 passed in C.No.52338/C1/2011. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//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,
Namakkal District,
Namakkal.
3. The Sub Registrar,
Tiruchengode,
Namakkal District.

+1cc to Mr.N.Manokaran, Advocate, S.R.No.75064

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.74970

W.A.No.1382 of 2012

SJ(CO)
CA(10/11/2017)

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