

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.10986 of 2013

and M.P.No.2 of 2013

and M.P.No.1 of 2015

K.Kanagaraj

... Petitioner

vs.

1.The Inspector General of Registration  
No.100, Santhome High Road,  
Chennai-600 028

2.The District Registrar (Administration)  
Tiruppur District, Tiruppur.

3.The Sub-Registrar  
Avinasi Taluk, Avinasi  
Tiruppur District

4.E.Rukmani

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned Circular No.67 dated 03.11.2011 (C.No.52338/C1/2011) issued by the 1<sup>st</sup> respondent and consequential Notice in Na.Ka.No.284/M1/2013 dated 04.03.2013 and quash the same in so far as the petitioner is concerned.

For Petitioner :Mr.A.Asokan

For Respondents : Mr.R.Vijayakumar,  
Addl.Govt.Pleader for R1 to R3

Mr.A.Thiyagarajan for R4.  
ORDER

(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 the records

relating to the Notice dated 04.03.2013 issued in Na.Ka.No.284/M1/2013 by the 2<sup>nd</sup> respondent and to quash the same by way of issuing a Writ of Certiorarified Mandamus.

2. The learned counsel appearing for the petitioner has contended to the effect that the 2<sup>nd</sup> respondent, in pursuance of Circular No.67 dated 03.11.2011, has issued impugned notice dated 04.03.2013 to the petitioner and since Circular No.67 dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu on 20.10.2017, the notice issued by the 2<sup>nd</sup> respondent has become infructuous and therefore, the petitioner is entitled to get the relief sought therein.

3. The learned counsel for the 4<sup>th</sup> respondent contended that the issue between the petitioner and the 4<sup>th</sup> respondent has already been agitated in O.S.No.147 of 2010, wherein, a judgment has been pronounced, after issuance of notice by the 2<sup>nd</sup> respondent.

4. Considering the aforesaid factual circumstances and also considering the fact that Circular No.67 dated 03.11.2011 has already been withdrawn, this court is inclined to pass the following order:-

(i) This Writ Petition is allowed without costs.

(ii) The Notice dated 04.03.2013 passed in Na.Ka.No.284/M1/2013 by the 2<sup>nd</sup> respondent is quashed.

(iii) However, the 4<sup>th</sup> respondent is at liberty to give a fresh representation to the 2<sup>nd</sup> respondent so as to attract his powers available under Section 83 of the Registration Act, 1908.

Consequently, connected Miscellaneous Petitions are closed.

Sd/  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Inspector General of Registration  
No.100, Santhome High Road,  
Chennai-600 028

2.The District Registrar (Administration)  
Tiruppur District, Tiruppur.

3.The Sub-Registrar  
Avinasi Taluk, Avinasi  
Tiruppur District

+1cc to Mr.A.Thiagarajan, Advocate SR.Noo.75770/17

+1cc to the Government Pleader SR.No.76347/17

Writ Petition No.10986 of 2013

SDR 20.11.2017



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