

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.10.2017

CORAM

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

W.P.No.34378 of 2012
and M.P.No.2 of 2012

1.Durai
2.D.Vijayakumar
3.D.Raji

... Petitioners

Vs

1. The Inspector General of Registration
Santhome High Road
Chennai-28

2.The District Registrar (North Chennai)
(Administration)
Registration Department
Chennai

3.The Sub-Registrar
Ponneri
Chennai

4.N.Jayalakshmi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari calling for the records pertaining to the Circular issued by the 1st respondent herein by his Circular No.67 (C.No.52338/C1/2011) dated 03.11.2011 and also the impugned order passed by the 2nd respondent in proceedings No.457/AA1/2012 dated 25.06.2012 and to quash the same.

For Petitioners : Mr.N.Singaravelu

For Respondents : Mr.R.Vijayakumar, AGP for R1 to R3
No appearance 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 Circular No.67 dated 03.11.2011 issued by the first respondent and also the consequential order dated 25.06.2012 passed by the second respondent in proceedings No. 457/AA1/2012 by way of issuing Writ of Certiorari and quash the same.

2.The learned counsel appearing for the petitioners has contended to the effect that the first petitioner has executed a Settlement Deed in favour of the second and third petitioners. But the fourth respondent, who is not having semblance of right over the property mentioned in the Settlement Deed, has given a representation to the second respondent. The second respondent, by virtue of Circular No.67 dated 03.11.2011, has annulled the Settlement Deed in question by way of passing the consequential order dated 25.06.2012. 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 not made his appearance.

4.The learned Additional Government Pleader has submitted the Circular dated 20.10.2017, issued by the Government of Tamil Nadu, wherein, it is clearly stated that Circular No.67 dated 03.11.2011 has already been withdrawn.

5.Considering the fact that Circular No.67 dated 03.11.2011 has already been withdrawn by the Government of Tamil Nadu, the first relief sought in the Writ Petition has become infructuous. As adverted to earlier, the second respondent has passed the impugned consequential order dated 25.06.2012, only on the basis of Circular No.67 dated 03.11.2011. Since the said Circular itself has already been withdrawn by the Government of Tamil Nadu, the consequential order passed by the second respondent also goes out and further, as per Section 83 of the Registration Act, 1908, the second respondent is not having any power to annul a particular document and on that ground also, the consequential relief is liable to be quashed.

In fine, this Writ Petition is partly allowed without cost. The consequential order dated 25.06.2012 passed by the second respondent in proceedings No.457/AA1/2012 is quashed. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Inspector General of Registration
Santhome High Road
Chennai-28

2.The District Registrar (North Chennai)
(Administration)
Registration Department
Chennai

3.The Sub-Registrar
Ponneri, Chennai

+1cc to Mr.R.Santhanam, Advocate in sr.no.77010

+1cc to Government Pleader in sr.no.77208

W.P.No.34378 of 2012
and
M.P.No.2 of 2012

NR 14/11/2017

सत्यमेव जयते

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