

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.34705 of 2012
and M.P.No.2 of 2012

M.Parvathi Sankari ... Petitioner

Vs

1.The Inspector General of Registration
O/o.The I.G. Registration,
Santhome High Road
Chennai-28

2.The District Registrar,
Administration Central Chennai,
O/o.The District Registrar,
Central Chennai,
182, Bharathi Salai,
Royapettah, Chennai-14.

3.S.Bahiratha Marthandan

4.V.Vaggiravelu .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records in Circular No.67 dated 03.11.2011 issued by the 1st respondent and the proceedings before the 2nd respondent in proceedings No.1500/AA1/2012 dated 27.06.2012 and quash the same.

For Petitioner : Mr.D.Nellaiappan

For Respondents: Mr.R.Vijayakumar, AGP for R1, R2
Ms.A.Vino Pradha
for Mr.Ramesh Kumar for R3, 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 Circular No.67 dated 03.11.2011 issued by the first respondent and the consequential order dated 27.06.2012 passed by the second respondent in proceedings No.1500/AA1/2012 in respect of the Sale Deed dated 05.01.2007 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 purchased undivided share of one Valli and Sekar under a registered Sale Deed dated 05.01.2007. On the basis of representation given by the third respondent and also by virtue of Circular No.67 dated 03.11.2011, the second respondent even without having sufficient power, has erroneously declared the Sale Deed dated 05.01.2007 as illegal, by way of passing the impugned order dated 27.06.2012 and further, the second respondent has annulled so many earlier documents. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the third and fourth respondents has contended to the effect that in respect of immovable properties involved in the present Writ Petition, already Civil Suit No.313 of 2012 has been filed and the same is pending on the file of this Court, wherein, the present petitioner has been arrayed as one of the defendants.

4.The learned Additional Government Pleader has submitted a 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 been withdrawn.

5.It is an admitted fact that the second respondent has passed his entire order dated 27.06.2012 only in pursuance of Circular No.67 dated 03.11.2011.

6.Considering the fact that Circular No.67 dated 03.11.2011 has already been withdrawn and also considering that as per Section 83 of the Registration Act, 1908, the second respondent is not having power to annul or set aside, this Court is inclined to pass the following order:

In fine, this Writ Petition is allowed in part without cost. The impugned order dated 27.06.2012 passed in proceedings No. 1500/AA1/2012 by the second respondent is quashed. However, both the petitioner and the third and fourth respondents are directed to workout their remedies in C.S.No.313 of 2012. Connected Miscellaneous Petition is 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,
Santhome High Road
Chennai-28

2.The District Registrar,
Administration Central Chennai,
O/o.The District Registrar,
Central Chennai,
182, Bharathi Salai,
Royapettah, Chennai-14.

+1cc to Mr.D.NELLAIAPPAN, Advocate, S.R.No. 78470/17

+1cc to Mr.S.RAMESHKUMAR Advocate, S.R.No. 78712/17

+1cc to the Government Pleader, S.R.No. 78994

W.P.No.34705 of 2012
and
M.P.No.2 of 2012

(CO)
TR(23/11/2017)

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