

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.28630 of 2012

A.K.Sathyamoorthy .. Petitioner

Vs

1. The Inspector General of Registration
Government of Tamilnadu
No.100, Santhome High Road
Pattinapakkam

2.The District Registrar
Namakkal

3.The Sub-Registrar
Mohanur
Namakkal District

4.K.Ravishankar .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorari calling for the records pertaining to the impugned Circular No.67 dated 03.11.2011 (C.No.52338/C1/2011) issued by the 1st respondent so far as the petitioner is concerned and the consequential impugned order of the 2nd respondent passed in Na.Ka.No.8659/B1/2011 dated 10.09.2012 and quash the same.

For Petitioners : Mr.R.Neelakandan

For Respondents : Mr.R.Vijayakumar, AGP for R1
to R3
Mr.G.Purushothaman 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 Circular No.67 dated 03.11.2011 issued by the first respondent and the consequential order dated 10.09.2012 passed by the second respondent in Na.Ka.No.8659/B1/2011 by way of issuing Writ of Certiorari and quash the same.

2.The learned counsel appearing for the petitioner has sparingly contended to the effect that the fourth respondent has given a representation to the second respondent so as to annul the Sale Deed dated 29.03.2007, by virtue of Circular No.67 dated 03.11.2011 and the same has been withdrawn and therefore, the consequential order passed by the second respondent also goes out and further, the second respondent, as per Section 83 of the Registration Act, 1908, power of annulment does not vest with him and therefore, the present Writ Petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the fourth respondent has vehemently contended to the effect that with regard to the property in question, various civil litigations have become emerged and now fraudulently, a Sale Deed has come into existence on 29.03.2017. Under the said circumstances, the fourth respondent has given a representation to the second respondent so as to annul the same and the second respondent has rightly passed the impugned order dated 10.09.2012, by virtue of Circular No.67 dated 03.11.2011 and therefore, the relief sought in the Writ Petition cannot be granted.

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Circular dated 20.10.2017, wherein, it has been clearly stated that Circular No.67 dated 03.11.2011 has already been withdrawn.

5.It is an admitted fact that the second respondent has passed the consequential order dated 10.09.2012, only by virtue of Circular No.67 dated 03.11.2011 and further,

as per Section 83 of the Registration Act, 1908, the second respondent is not having power of annulment. Even though the second respondent is not having power of annulment, by virtue of Section 83 of the said Act, has acted only on the basis of Circular No.67 dated 03.11.2011 and the same has been subsequently withdrawn. Under the said circumstances, the prayer sought in the Writ Petition can be granted.

In fine, this Writ Petition is allowed without cost. The consequential order dated 10.09.2012 passed in Na.Ka.No. 8659/B1/2011 by the second respondent is quashed. However, the fourth respondent is at liberty to give a fresh representation to the second respondent so as to attract the provisions of Section 83 of the Registration Act, 1908.

Assistant Registrar
Dt.8.11.17

//True Copy//

Sub Assistant Registrar

To

1. The Inspector General of Registration
Government of Tamilnadu
No.100, Santhome High Road
Pattinapakkam

2.The District Registrar
Namakkal

3.The Sub-Registrar
Mohanur, Namakkal District

+1 cc to Mr.G.Purushothaman.advocate,sr.70835

+1 cc to Government Pleader,sr.77206.

Krd 24/11

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