

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.29027 of 2012
and
M.P.No.2 of 2012 and M.P.No.1 of 2015

1.P.Loganathan
2.N.P.Gunasekar
3.K.Prabhu
4.M.Arul
5.A.Arul Rajesh
6.K.Periasamy
7.S.Rathinasabapathy

... Petitioners

Vs

1. The Inspector General of Registration
Government of Tamil Nadu
No.100, Santhome High Road
Pattinapakkam
Chennai-28

2. The District Registrar
Namakkal

3. The Joint Sub-Registrar No.2
Namakkal

4. Mrs.Chellammal Chellaiah

... 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 petitioners are concerned and the consequential impugned order of the 2nd respondent passed in N.K.No.84/B1/2012 dated 16.03.2012 in respect of the petitioners 1 to 5 and communication dated 24.04.2012 in respect of the petitioners 6 and 7 and quash the same.

For Petitioners : Mr.R.Neelakandan

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1 to R3
Mr.P.K.Harinath Babu
for Mr.R.Karthikeyan 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 16.03.2012 passed by the second respondent in Na.Ka.No. 84/B1/2012 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 fourth respondent has given a representation to the second respondent and the second respondent, by virtue of Circular No.67 dated 03.11.2011 has annulled the Sale Deeds in question by way of passing the impugned order dated 16.03.2012 and subsequently, Circular No.67 dated 03.11.2011 has been withdrawn and therefore, the present Writ Petition has been filed for getting the relief sought therein.

3.Learned counsel appearing for the fourth respondent has contended to the effect that in pursuance of Circular No.67 dated 03.11.2011, the second respondent has acted within his limit and thereby, passed the impugned order dated 16.03.2012 and therefore, the present Writ Petition deserves to be dismissed.

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 been withdrawn.

5.The relief sought in the Writ Petition is to quash the Circular No.67 dated 03.11.2011 and also to quash the consequential order passed by the second respondent dated 16.03.2012 in Na.Ka.No.84/B1/2012.

6.As adverted to earlier, Circular No.67 dated 03.11.2011 has already withdrawn. Since the second respondent has annulled the documents in question only on the basis of Circular No.67 dated 03.11.2011, the consequential order passed by the second

respondent also goes out. Under the said circumstances, the relief sought is the Writ Petition can be granted.

In fine, the Writ Petition is allowed without cost. The consequential order dated 16.03.2012 passed in Na.Ka.No.84/B1/2012 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 provision of Section 83 of the Registration Act, 1908. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gya

To

1. The Inspector General of Registration
Government of Tamil Nadu
No.100, Santhome High Road
Pattinapakkam
Chennai - 28
2. The District Registrar
Namakkal
3. The Joint Sub-Registrar No.2
Namakkal

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.77458
+1cc to the Government Pleader, S.R.No.77207

W.P.No.29027 of 2012

and

M.P.No.2 of 2012 and 1 of 2015

AR IV
CA(16/11/2017)

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