

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM

and

THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

W.P.Nos.29632 and 29633 of 2012

and

M.P.Nos.2 and 2 of 2012

S.Malliga [Petitioner in W.P.No.29632/2012]

G.Sujatha [Petitioner in W.P.No.29633/2012]

Vs

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

2. The District Registrar,  
Office of the District Registrar,  
Chengalputtu.

3. The Sub-Registrar,  
Chengalputtu,  
Office of the Sub-Registrar,  
Chengalputtu.

4. T.R.Suganthakumari

5. Aakam Construction,  
Represented by its Partner,  
having office at Plot No.3,  
1st Floor, Door No.475, Anna Salai,  
Link Road, Nandanam,  
Chennai - 600 033.

[Respondents in both W.Ps.]

Prayer in both W.Ps.:— Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling upon the impugned Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 on the file of the first respondent and the consequential order of the second respondent in his proceedings Pa.Mu.No.2101/A1/2012 dated .10.2012 and to quash the same.

In both W.Ps.

For Petitioners : Mr.M.Raja Sekhar  
For Respondents : Mr.R.Vijayakumar, AGP (R1 to R3)  
Mr.G.Sankaran (R4)  
Mr.S.Ramesh (R5)  
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COMMON ORDER

[Order of the Court was made by A.SELVAM, J.]

Both these Writ Petitions have been filed under Article 226 of the Constitution of India praying to call for the records relating to impugned Circular No.67 dated 03.11.2011 in C.No.52338/C1/2011 on the file of the first respondent and the consequential order of the second respondent in his proceedings in Pa.Mu.No.2101/A1/2012 dated 15.10.2012 and quash the same.

2. Learned counsel appearing for the petitioners has contended to the effect that Circular No.67 dated 03.11.2011 has been subsequently withdrawn by the Government of Tamil Nadu by virtue of another Circular dated 20.10.2017 and therefore, the consequential order passed by the second respondent also goes out.

3. Learned Additional Government Pleader appearing for respondents 1 to 3 has submitted a copy of Circular dated 20.10.2017 issued by the Government of Tamil Nadu, wherein, it has been clearly stated that the impugned Circular No.67 dated 03.11.2011 has already been withdrawn.

4. It is an admitted fact that the second respondent has issued the proceedings in Pa.Mu.No.2101/A1/2012 dated 15.10.2012 in pursuance of Circular No.67. Since Circular No.67 itself has been withdrawn, the power granted under the said Circular to the second respondent also goes out and therefore, the proceedings dated 15.10.2012 passed in Pa.Mu.No.2101/A1/2012 is also liable to be quashed.

5. In fine, both these writ petitions are allowed in part without costs. The proceedings dated 15.10.2012 passed by the second respondent in Pa.Mu.No.2101/A1/2012 is quashed. The connected miscellaneous petitions are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jrl

To

1. The Inspector General of Registration,  
No.100, Santhome High Road,  
Santhome,  
Chennai - 600 028.
2. The District Registrar,  
Office of the District Registrar,  
Chengalputtu.
3. The Sub-Registrar,  
Chengalputtu,  
Office of the Sub-Registrar,  
Chengalputtu.

+1 CC to Mr.M.Raja Sekhar, Advocate Sr.No.76057, 76058

+1 CC to Government Pleader, High Court, Chennai Sr.No.76257

W.P.Nos.29632 & 29633 of 2012

KP(21.11.2017)

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