

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.No.29753 of 2012
and
M.P.Nos.2 of 2012 & 1 of 2015

M.Y.Habibur Rahman [Petitioner]

Vs

1. The District Registrar (Admn.),
Tiruppur District,
Tiruppur.
2. The Sub-Registrar,
Kangeyam,
Tiruppur District.
3. Lakshmi
4. Valliammal
5. Deivathal
6. Palanisamy
7. O.S.Narayanasamy
8. Thangamani
9. S.Shanmugam
10. P.Nagarajan
11. The Inspector General of Registration,
Santhome, Chennai - 600 002. [Respondents]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records pertaining to the impugned order of the first respondent passed in Na.Ka.No.2443/B1/2012, dated 29.06.2012 and the circular issued by the 11th respondent therein and by his proceedings in Circular No.67 (C.No.52338/C1/2011) dated 03.11.2011 and to quash the same.

For Petitioner : M/s.P.T.Ramadevi
For Respondents : Mr.R.Vijayakumar, AGP (R1, R2 & R11)
No Appearance (R3 to R10)

ORDER

[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 the records relating to Circular No.67 (C.No.52338/C1/2011) dated

03.11.2011 and consequential order passed by the first respondent in Na.Ka.No.2443/B1/2012, dated 29.06.2012 and quash the same by way of issuing a writ of certiorarified mandamus.

2. Learned counsel appearing for the petitioner has contended to the effect that in view of Circular No.67 dated 03.11.2011, the first respondent has initiated proceedings in Na.Ka.No.2443/B1/2012, dated 29.06.2012 and thereby cancelled the Sale Deeds, which stands in the name of the petitioner and now, Circular No.67 dated 03.11.2011, has been withdrawn. Under the said circumstances, the consequential order passed by the first respondent is liable to be quashed.

3. Learned Additional Government Pleader appearing for respondents 1, 2 and 11 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of Tamil Nadu, wherein, it has been clearly stated that the impugned Circular No.67 dated 03.11.2011 has already been withdrawn.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 first respondent has passed the consequential order dated 29.06.2012 only in pursuance of Circular No.67 dated 03.11.2011. It is also an admitted fact that the said Circular has already been withdrawn by the Government of Tamil Nadu.

5. Considering the fact that Circular No.67 dated 03.11.2011 itself has already been withdrawn and also considering the fact that the first respondent has passed the impugned order only in pursuance of the same, the impugned order passed by the first respondent is liable to be quashed.

6. Further, it is seen from the records that in respect of similar issue, Original Suit No.92 of 2011 is pending on the file of the Sub Court, Dharapuram.

7. Considering the fact that Civil Suit is pending with regard to identical issue, the first respondent need not pass such kind of consequential order. Therefore, viewing from any angle, this writ petition is liable to be allowed.

8. In fine, this writ petition is allowed in part without costs. The order passed by the first respondent in Na.Ka.No.2443/B1/2012, dated 29.06.2012 is quashed. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The District Registrar (Admn.),
Tiruppur District,
Tiruppur.
 2. The Sub-Registrar,
Kangayam,
Tiruppur District.
 3. The Inspector General of Registration,
Santhome, Chennai - 600 002.
- + 1 cc to Mr. P.T. Ramadevi, Advocate SR.75533
+ 1 cc to Government pleader SR.76258

W.P.No.29753 of 2012

KJI (CO)
EU (14/11/2017)



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