

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.3385 of 2013

D.Thangaraj ... Petitioner

vs.

1.The Inspector General of Registration(Stamps)
Office No.1G, Santhome, Chennai-600 028

2.District Registrar (Admin.in charge)
Office of the District Registrar
Vellore District
Vellore

3.K.Navin Karunakaran

4.Kali

5.Govindasamy

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 2nd respondent relating to the order of the 2nd respondent passed in Na.Ka.No.4354/A1/2012 dated 30.09.2012 which was based on the Circular of the 1st respondent Circular No.67 dated 03.11.2011(C.No.52338/C1/2011) and quash the same.

For Petitioner :Mr.S.Kothandaraman

For Respondents :Mr.R.Vijayakumar,
Addl.Govt.Pleader for R1 and R2
Mr.S.Senthil Nathan for R3
No appearance for R4 and R5.

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 the impugned order dated 30.09.2012 passed in Na.Ka.No.4354/A1/2012 by the 2nd respondent in view of the

Circular No.67 dated 03.11.2011 and quash the same by way of issuing a Writ of Certiorarified Mandamus.

2. The learned counsel appearing for the petitioner has vehemently contended that already a civil suit has been instituted with regard to title of the property in question and in the earlier Writ Petition, this court has directed the parties to approach the civil forum. But inspite of specific order passed by this court, the 2nd respondent has annulled the sale deed which stands in the name of the petitioner by way of passing the impugned order dated 30.09.2012 in pursuance of Circular No.67 dated 03.11.2011 and therefore, the impugned order passed by the 2nd respondent is liable to be quashed.

3. Per contra, the learned counsel appearing for the 3rd respondent has fairly conceded to the effect that in pursuance of withdrawal of Circular No.67 dated 03.11.2011, the impugned order passed by the 2nd respondent is non-est in law and further the Honourable Supreme Court has already held that the powers of civil court cannot be usurped by any order of Registrar.

4. In the instant case, it is an admitted fact that the 2nd respondent has passed the impugned order only in pursuance of Circular No.67 dated 03.11.2011. It is also an admitted fact that Circular No.67 dated 03.11.2011 has been withdrawn by the Government of Tamil Nadu on 20.10.2017. Since the entire impugned order has been passed only by virtue of Circular No.67 dated 03.11.2011 and the same has been subsequently withdrawn, this court is of the view that the order passed by the 2nd respondent is liable to be quashed.

In fine, this Writ Petition is allowed without costs. The order passed by the 2nd respondent in Na.Ka.No.4354/A1/2012 dated 30.09.2012 is quashed. However, the parties are directed to approach proper civil forum to settle their issues. The 3rd respondent is at liberty to approach the 2nd respondent in respect of alleged fraudulent transaction under Section 83 of the Registration Act, 1908.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Inspector General of Registration(Stamps)
Office No.1G,
Santhome, Chennai-600 028

2.District Registrar (Admin.in charge)
Office of the District Registrar,
Vellore District, Vellore.

+1cc to Mr.S.Senthil Nathan, Advocate SR.No.75878

+4cc to Mr.S.Kothandaraman, Advocate SR.No.75797

Writ Petition No.3385 of 2013

SDR 21.11.2017



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