



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :.18.07.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

W.P. (MD) No.11705 of 2017

C.V.R.Alamelu Aachi

... Petitioner

**Vs.**

1. The Inspector General of Registration,  
No.120, Santhome High Road,  
Chennai-600 028.

2. The District Registrar,  
Office of District Registrar,  
Karaikudi,  
Sivagangai District.

3. The Sub-Registrar,  
Sub-Registrar Office,  
Devakottai,  
Sivagangai District.

... Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned proceedings dated 05.01.2017 made in 60240/U4/2016 on the file of the 1<sup>st</sup> respondent and quash the same and consequently direct the 1<sup>st</sup> respondent to take up the petitioner's appeal, dated 27.12.2016 pending before him and dispose of the same in accordance with law within a stipulate time.

For Petitioner : Mr.P.Saravanakumar  
For Respondents : Mr.C.Selvaraj  
Special Government Pleader

**ORDER**

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for records from the file of the 1<sup>st</sup> respondent, in his proceedings, dated 05.01.2017 made in reference No.60240/U4/2016, quash the same and consequently direct the 1<sup>st</sup> respondent to take up the petitioner's appeal, dated 27.12.2016 pending before him and dispose of the same in accordance with law.



2.The case of the petitioner is that in the year 2009, the petitioner's mother P.R.Kavery Aachi died leaving behind the petitioner and 7 other persons as legal-heirs. However, by suppressing the materials facts, one Magudeeswaran has obtained legal-heir certificate on 03.09.2009 and based on the certificate, the property was sold and a partition deed was also registered. Aggrieved over the action, the petitioner made a representation, dated 18.04.2016 to the 2<sup>nd</sup> respondent to cancel the partition deed. The 2<sup>nd</sup> respondent, after conducting enquiry, rejected the representation of the petitioner. Aggrieved over the order, the petitioner preferred an appeal before the first respondent, on 27.12.2016. The first respondent, by the impugned order, dated 05.01.2017 has sent a communication to the petitioner stating that in view of stay granted in M.P.No.1 of 2012 in WA.No.1382 of 2012, dated 24.08.2012, the appeal of the petitioner can be taken up only after disposal of WA(MD)No.1382 of 2012.

3.Heard Mr.P.Saravanakumar, learned counsel for the petitioner and Mr.C.Selvaraj, learned Special Government Pleader for the respondents and perused the materials available on record.

4.The learned counsel for the petitioner would submit that in W.P.No.1678 of 2016, this court, after considering the order passed in the stay petition M.P.No.1 of 2012 in WA.(MD)No.1382 of 2012, directed the appellate authority/Inspector General of Registration, to take up the appeal and dispose of the same.

5.Mr.C.Selvaraj, learned Special Government Pleader would submit that the Circular No.67 issued by the Inspector General of Registration was upheld by this court in WP(MD)No.5908 of 2012 batch etc., dated 17.07.2014 and in the appeal filed against the order, stay was granted only in respect of the prosecution alone.

6.In light of the above facts, the writ petition is allowed and the impugned order, dated 05.01.2017 is set aside. The 1<sup>st</sup> respondent is directed to take up the petitioner's appeal, dated 27.12.2016 and pass orders, purely on merit and in accordance with law, after providing opportunity of hearing to the petitioner as well as to the necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar



To

1. The Inspector General of Registration,  
No.120, Santhome High Road,  
Chennai-600 028.

2. The District Registrar,  
Office of District Registrar,  
Karaikudi,  
Sivagangai District.

3. The Sub-Registrar,  
Sub-Registrar Office,  
Devakottai,  
Sivagangai District.

+ 1 CC TO M/s.D.KALAIYARASI BHARATHI, ADVOCATE IN SR No. 66207  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66270

DSS/ER

TE/MR-KKR/SAR-I : 12/09/2017 : 3P/6C

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18.07.2017