



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.17623 of 2017

Kasthuri Ammal

... Petitioner

-vs-

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome, Chennai-600 028.

2. The District Registrar,
Document Registration Department,
Sivagangai, Sivagangai District.

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No. 917/E1/2017 dated 01/09/2017 and particularly to quash the impugned order in Last Line and Black cum Big Letters of Conclusion The Circular No. 67 is already stayed by Madras High Court only and the same as illegal and consequently to directing the 3rd respondent to register the Index No.II in the fraudulent documents Nos.1011 of 2015, 2962 of 2015 and 3863 of 2015 is void.

For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.C.Selvaraj

Spl. Government Pleader

O R D E R

The writ petition has been filed, seeking to quash the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No. 917/E1/2017 dated 01/09/2017, whereby it was informed that pursuant to the stay granted by this Court in respect of Circular No.67, the decision with regard to mentioning of the cancellation of sale deeds in the index is withheld. The petitioner also sought a direction to the 3rd respondent to register the Index No.II in the fraudulent documents Nos.1011 of 2015, 2962 of 2015 and 3863 of 2015 is void.



2. The case of the petitioner is that she purchased the property by way of a registered sale deed from one Periyasamy and after the death of the said Periyasamy, by suppressing the materials facts, one Muruki and Poomayil had obtained legal-heir certificate and based on the certificate, the property was fraudulently sold and patta also received. Aggrieved over the action, the petitioner made several representations to the respondents 1 & 2 to cancel those deeds. At last, though the 2nd respondent, finding prima facie materials to cancel the sale deeds, has passed the order impugned herein to that effect, in the bottom of the said order, it has been stated that on account of the stay granted by this Court in respect of the Circular No.67, registration of the said finding in the index column of the documents was withheld. Aggrieved by the same, the petitioner is before this Court with the aforesaid prayer.

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

4. When the matter is taken up for hearing Mr.C.Selvaraj, the learned Special Government Pleader would fairly submit that though 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, in the appeal filed against the said order, stay was granted, of course only in respect of the prosecution alone.

5. In view of the above submission, it is crystal clear that the stay was limited by the Hon'ble Division Bench of this Court with regard to prosecution alone and in all other aspects, the order of the learned Single Judge will hold good. Therefore, there is no impediment for the 2nd respondent to consider other elements except prosecution.

6. In the result, this writ petition is allowed and the impugned order dated 01.09.2017 is set aside. The matter is remitted to the 2nd respondent for fresh consideration, who shall pass appropriate orders on the claim of the petitioner on merits and in accordance with law, in line with the order passed in W.P. (MD) No.5908 of 2012 etc., batch dated 17.07.2014. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar



To:

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome, Chennai-600 028.

2. The District Registrar,
Document Registration Department,
Sivagangai, Sivagangai District.

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

+One cc to Mr.R.Udhayakumar, Advocate, SR.No.79490

+One cc to The Special Government Pleader, SR.No.80370

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RL/6C/3P/JC/SAR1/22/9/2017

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