



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. 4401 of 2017
and
WMP (MD) No. 3533 of 2017

A. Radha @ Murugesan

... Petitioner

Vs.

1. The Inspector General of Registration,
No. 100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600 028.

2. The District Registrar,
Madurai North,
Rajakambeeram,
Madurai-625 107.

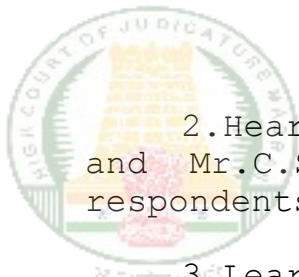
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari and Mandamus, calling for the records in pursuance of the impugned proceedings letter, dated 26.12.2016 made in Na.Ka.No.4335/Aa1/2016 on the file of the 2nd respondent and quash the same and consequently direct the 2nd respondent to take up the petitioner's appeal, dated 19.10.2016 pending before him against the order, dated 04.11.2016 made in Mu.Mu.No.49004/U4/2016 passed by the 1st respondent and dispose of the same in accordance with law.

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

ORDER

The prayer sought for in this writ petition is to quash the impugned proceedings, dated 26.12.2016 made in Na.Ka.No.4335/Aa1/2016 on the file of the 2nd respondent and consequently direct the 2nd respondent to take up the petitioner's appeal, dated 19.10.2016 pending before him against the order, dated 04.11.2016 made in Mu.Mu.No.49004/U4/2016 passed by the 1st respondent and dispose of the same in accordance with law.



2. 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.

3. Learned counsel for the petitioner would submit that the petitioner is the absolute owner of the property to an extent of 4 Acres and 83 cents comprised in Survey No.126/4 at Ambalakaranpatty village, Melur Taluk, Madurai District. The property was dealt with by the persons, who does not have any right in the property, hence, the petitioner gave a representation to the 2nd respondent, dated 19.10.2016 seeking cancellation of the sale deed. However by impugned order, dated 26.12.2016 the second respondent rejected the request 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 application of the petitioner can be taken up only after disposal of WA(MD)No.1382 of 2012.

4. 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. It is further submitted that the respondents can conduct enquiry and pass orders and there is no impediment for the respondents to consider the representation of the petitioner, in accordance with law.

5. In light of the above facts, the writ petition is allowed and the impugned order, dated 26.12.2016 is set aside. The 2nd respondent is directed to take up the petitioner's appeal/representation, dated 19.10.2016 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 twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

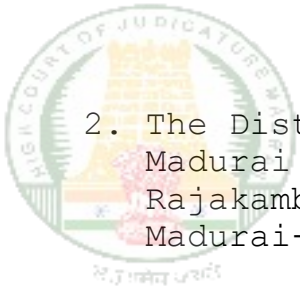
Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai-600 028.



2. The District Registrar,
Madurai North,
Rajakambeeram,
Madurai-625 107.

+ 1 CC TO M/s.P.KALAIYARASI BHARATHI, ADVOCATE IN SR No. 66208
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66256

DSS/ER

TE/MR-KKR/SAR-I : 13/09/2017 : 3P/5C

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