



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.18429 of 2016

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R.M.Thinnappan @ Renganathan

: Petitioner

-vs-

1.The Inspector General of Registration,
Registration Department,
Chennai-600 028.

2.The District Registrar, (Administration
Registration Department,
Karaikudi,
Sivagangai District.

3.The Sub Registrar,
Devakottai.

4.Tmt.PL.Chitra @ Meenakshi Aachi

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent herein in Na.Ka.No.1704/A1/2015, dated 10.12.2015 is illegal and quash the same and further direct the 2nd respondent to carry out necessary entries in Schedule II, by passing necessary orders, in the light of Circular No.67 issued by the 1st respondent.

For Petitioner : Mr.S.Doraisamy

For R1 to R3 : Mr.C.Selvaraj
Special Government PleaderFor 4th Respondent : Mr.S.J.Chakkaravarthy**O R D E R**

The petitioner has come with the present writ petition challenging the impugned proceedings, dated 10.12.2015 passed by the 2nd respondent and consequently to direct the 2nd respondent to carry out necessary entries in Schedule II, by passing necessary order in the light of Circular No.67 issued by the 1st respondent.

2.The case of the petitioner is that originally the property



situated in Ward No.A, Block No.8, T.S.No.3 at Ram Nagar, Devakottai town, belongs to one Venkatachalam by virtue of partition deed. Subsequently, he sold the property to the petitioner through a registered sale deed, dated 29.05.2007. Thereafter, the Tashildar, Devakottai, by his proceedings, dated 15.05.2016 issued patta in favour of the petitioner. In the interregnum, one PL.Chitra @ Meenakshi Aachi made objections for change of patta, preferred appeal before the Revenue Divisional Officer, which was dismissed on 06.12.2012. Subsequently, the said P.L.Chitra @ Meenakshi presented a sale deed for registration before the Sub Registrar, Devakottai, which is kept pending for want of title document.

3.The further case of the petitioner is that he made representation to the District Registrar, Karaikudi, on 07.09.2013 for cancellation of Registration of the pending document executed by the said PL.Chitra @ Meenakshi Aachi. Since, no order was passed, he filed W.P(MD)No.2071 of 2014 to pass orders on the pending documents with the 2nd respondent and this court, by order, dated 07.02.2014 directed the 2nd respondent therein to pass orders within a period of four months. Thereafter, on 19.08.2014, the petitioner gave a representation to the respondents to carry out necessary entries in Schedule II in the light of Circular No.67 and also filed W.P.(MD)No.15030 of 2014 to pass appropriate orders in the light of Circular 67, dated 03.11.2011 and the same was disposed of, on 24.06.2015. But, however, without considering the merits of the matter, the 2nd respondent rejected the request of the petitioner by the impugned order, dated 10.12.2015. Hence, the writ petition.

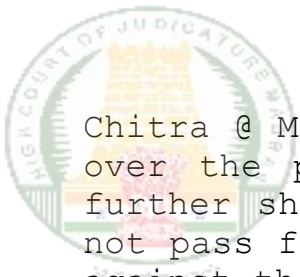
4.Mr.S.Doraisamy, learned counsel for the petitioner would submit that the property was dealt with the persons, who do not have any right in the property, hence, the petitioner gave a representation to the 2nd respondent, dated 29.06.2015, but the 2nd respondent rejected the request of the petitioner by the impugned order stating that there is an order of interim stay for Circular No.67, therefore, the impugned order is liable to be set aside on the sole ground of violation of principles of natural justice.

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.Heard Mr.S.Doraisamy, learned counsel for the petitioner, Mr.C.Selvaraj, learned Special Government Pleader for the respondents 1 to 3 and Mr.S.J.Chakkaravarthy, learned counsel for the 4th respondent and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

7.In the case on hand, the 2nd respondent herein/the District Registrar, Karaikudi having come to the conclusion that the said



Chitra @ Meenakshi Achi sold the property without having any right over the property, hence, the sale deed is to be cancelled and further she is liable to be prosecuted as per Circular No.67, did not pass final orders citing pendency of the writ appeal preferred against the order in Circular No.67.

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8.This court, taking into consideration of the fact that circular No.67 was held as valid and there is no absolute stay in the writ appeal, in similar facts, issued direction to pass final orders.

9.Considering the grievance expressed by the petitioner and taking note of the facts of this case and to meet the ends of justice, this court is of the considered opinion that the matter requires reconsideration by the 2nd respondent.

10.In the light of the above facts, the writ petition is allowed and the impugned order, dated 10.12.2015 passed by the 2nd respondent is set aside. The 2nd respondent is directed to consider the representation of the petitioner in the light of the Circular No.67, dated 03.11.2011 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the necessary parties, if any within a period twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To,

1.The Inspector General of Registration,
Registration Department,
Chennai-600 028.

2.The District Registrar, (Administration
Registration Department,
Karaikudi,
Sivagangai District.

3.The Sub Registrar,
Devakottai.

+1cc to Mr.S.DUR AISAMY, Advocate, SR. 74721

+1cc to Mr.S.CHAKKARAVARTHY, Advocate, SR. 74513

+1cc to M/S.Special Government Pleader, SR. 74788

W.P. (MD) No.18429 of 2016
24.08.2017

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KK/SV MMS/SAR 4/03.10.2017/ 3P- 7C/