

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.2374 of 2018

K.B.Usharekha

..Petitioner

vs

1.The Inspector General of Registrations,
O/o. Inspector General of Registration,
No.11, Santhome High Road,
Chennai - 600 028.

2.The District Registrar,
South Chennai Registration District (Administration),
Saidapet, Chennai - 600 015.

3.S.Veeraragavan

4.R.Shanmugaraj

5.P.Ramachandran

6.N.Prakash

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider and pass such order on the petitioner's appeal dated 03.06.2017 in consonance with the G.O.Ms.No.67/2011 dated 03.11.2011 passed by the first respondent with regard to the cancellation of Doc.Nos.480/2002, 1913/2005 and 4731/2005 vide Ref. file No.3760/A3/2016.

For Petitioner : Mr.G.V.Sridharan

For Respondents : Mr.T.M.Pappiah (R1 and R2)
Special Government Pleader

ORDER

The prayer made in this writ petition is to direct the first respondent to consider the petitioner's appeal dated 03.06.2017 with regard to the cancellation of the documents bearing Nos.480/2002, 1913/2005 and 4731/2005 vide file No.3760/A3/2016 and pass appropriate orders on the same in consonance with the Circular No.67 dated 03.11.2011 issued by the first respondent.

2.The case of the petitioner is that he made a complaint on 01.03.2016 to the Sub Registrar, Velachery, requesting him to cancel the alleged Power of Attorney dated 29.04.2002 bearing Document No.480 of 2002 and sale deeds dated 27.04.2005 and 31.10.2005 bearing Document Nos.1913/2005 and 4731/2005 respectively. On 15.05.2017, the second respondent passed an order, directing the petitioner to approach the Civil Court, against which, the petitioner preferred an appeal on 03.06.2017 and also made a representation to the first respondent on 16.06.2017, which are pending without consideration. Hence, this writ petition.

3.Upon notice, the respondents 1 and 2 filed a counter affidavit, inter alia, stating that the first respondent by his proceedings bearing No.41530/U1/2017 dated 20.10.2017, has withdrawn the circular No.67 dated 03.11.2011 issued by him and hence, they do not have any power to enquire into the appeal filed by the petitioner.

4.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

5.Considering the facts and circumstances of the case and also having regard to the submissions made by the learned counsel on either side, this Court is of the view that as the validity of the Circular No.67/2011 dated 03.11.2011 issued by the first respondent has been decided and the Circular itself has been withdrawn, there is nothing preventing the first respondent appellate authority to pass orders on the appeal filed by the petitioner.

6.Hence, this writ petition stands disposed of, directing the first respondent to pass orders on the appeal filed by the petitioner dated 03.06.2017, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as all the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registrations,
O/o. Inspector General of Registration,
No.11, Santhome High Road,
Chennai - 600 028.

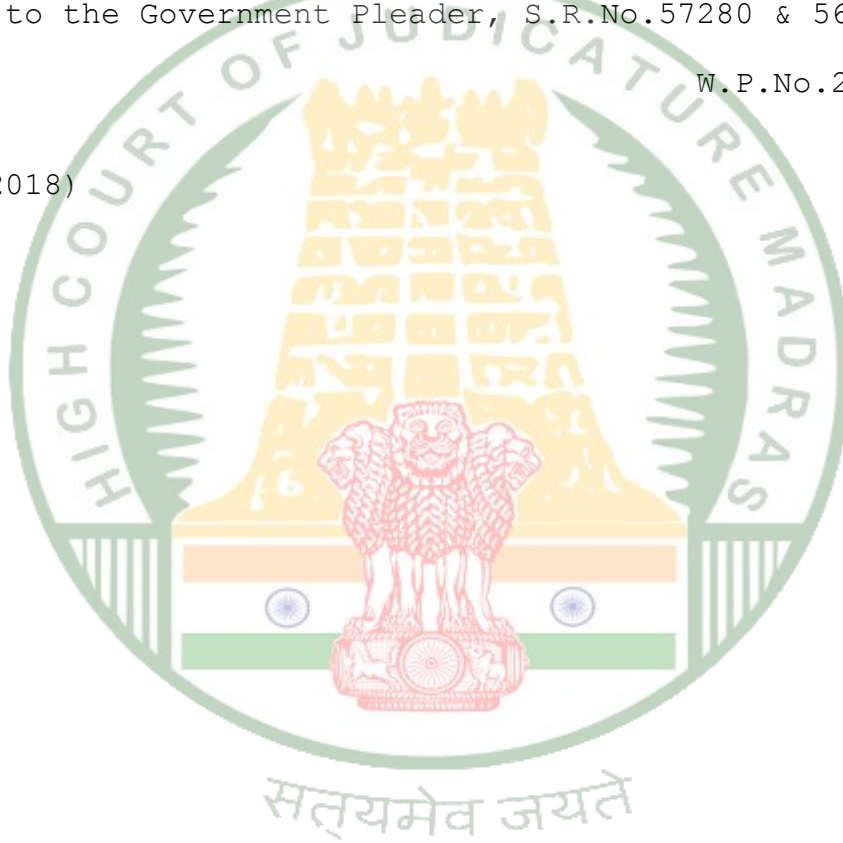
2.The District Registrar,
South Chennai Registration District (Administration),
Saidapet, Chennai - 600 015.

+1cc to Mr.G.V.SRIDHARAN, Advocate, S.R.No.55933

+1cc to the Government Pleader, S.R.No.57280 & 56901

W.P.No.2374 of 2018

AR(CO)
TR(28/08/2018)



WEB COPY