

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

W.A.No.892 of 2010
and
M.P.No.1 of 2010

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.
- 2.The District Revenue Officer (Stamps),
Coimbatore - 18.
- 3.The Sub Registrar,
District Registrar Cadre,
Singanallur, Coimbatore - 641 015.

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Appellants/Respondents

Vs

- 1.Rukmaniammal (died)
- 2.G.Balasundaram

Respondents/Petitioner

(R2 impleaded vide order dated 07.06.2018
made in M.P.No.1 of 2013 in W.A.No.892
of 2010)

Appeal preferred under Clause 15 of Letters Patent against
the order dated 12.08.2009 in W.P.No.27393 of 2007.

WP.NO.27393/2007:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records in MU.MU.No.32901/N2/07, dated 26/12/2007 on the file of the first respondent and quash the same and consequently to cal for the proceedings in K Dis No.1846/C/2003, dated 20/06/2005 on the file of the Second Respondent and quash the same.

For Appellant .. Mr.T.M.Pappiah,
Spl. Govt. Pleader

For Respondents.. Mr.Krishnakumar
for Mr.N.S.Nandakumar for R2

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Challenging the order of the learned single Judge, by which the order impugned in the writ petition, as confirmed by the appellate authority viz., the first respondent, who in turn dismissed the appeal on the ground of limitation, the present appeal has been filed.

2.Learned counsel for the second respondent that the writ petitioner died pending appeal and the second respondent, who is the Managing Trustee of C.R.Ramakrishna Naidu Rukmaniammal Charitable Trust, has been impleaded as legal representative of the deceased writ petitioner by order dated 07.06.2018. After hearing the learned counsel appearing for the parties, it is submitted by the learned counsel for the second respondent that the issues raised may be left open to be decided by the first appellant. Learned counsel would submit that the second respondent may be permitted to file a fresh appeal and adjudication can be made on merit.

3.Considering the above, we are of the view that while setting aside the order of the learned single Judge, liberty will have to be given to the second respondent to represent the appeal within a period of four weeks from the date of receipt of a copy of this order. On receipt of the appeal, the first appellant will have to decide the same on its own merits and in accordance with law within a period of eight weeks thereafter. We make it clear that we have not expressed anything on the merits of the case and the appeal will have to be decided without having any reference to the order of the learned single Judge and also the question of limitation.

4.With the above observation, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi

To:

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.

2.The District Revenue Officer (Stamps),
Coimbatore - 18.

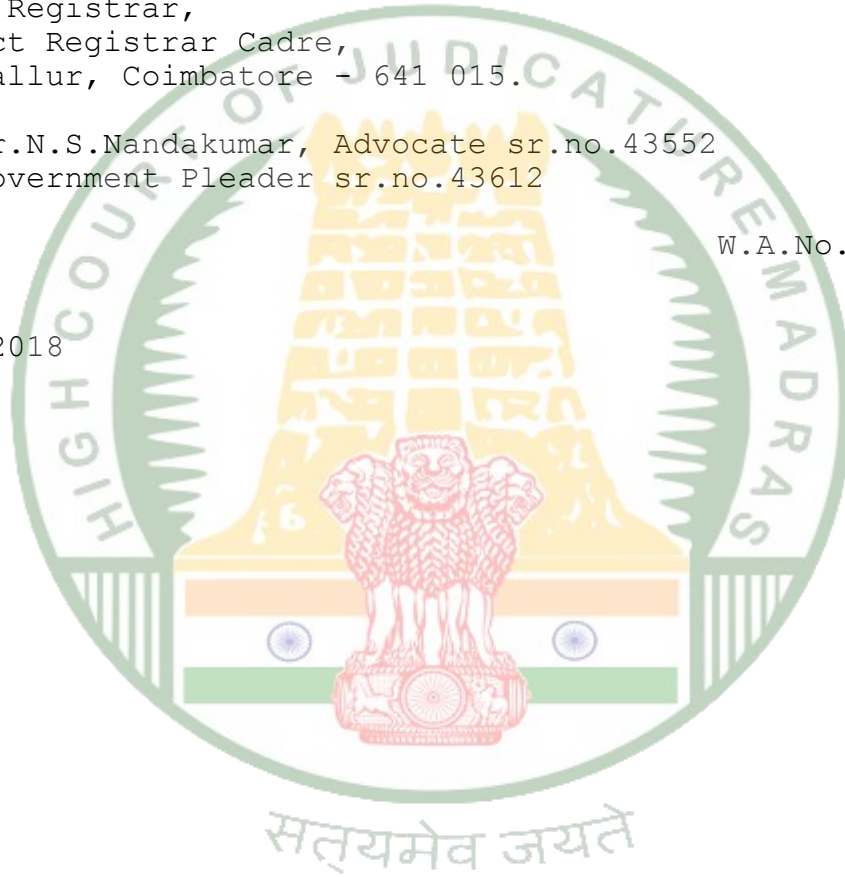
3.The Sub Registrar,
District Registrar Cadre,
Singanallur, Coimbatore - 641 015.

+1cc to Mr.N.S.Nandakumar, Advocate sr.no.43552

+1cc to Government Pleader sr.no.43612

W.A.No.892 of 2010

gj(co)
nr 26/07/2018



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