

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 24734 of 2013
and MP.No.1 of 2013

S.Vidya Sagar

..Petitioner

vs

1. The District Registrar,
Ooty,
Nilgiris District.
2. The Joint I Sub Registrar,
Ooty,
Nilgiris District.
3. The Inspector General of Registration,
Santhome High Road,
Chennai.
- 4.Mrs.Kalpana

.. Respondents

(R4 has been impleaded vide order
dated 22.11.2013 in MP.No.2/2013)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ Order or Direction in the nature of Writ of Certiorari calling for the records of the first respondent, District Registrar, Ooty in proceedings No.728/B1/2012 dated 01.08.2013 and to quash the same as ultra virus, illegal and arbitrary.

For Petitioner : Ms.R.Anitha

For Respondents: Mr.P.P.Purushotham

Government Advocate for R1 to R3

Mr.V.Raghavachari for R4

O R D E R

The order passed by the 1st respondent in proceedings dated 01.08.2013, is under challenge in this writ petition.

2. The learned counsels appearing on behalf of the respective parties to the present case on hand made a submission that the 1st respondent is now undertaken the process of conducting re-enquiry in respect of the merits and the demerits raised by the parties. The re-enquiry commenced is kept in abeyance on account of the pendency of the present writ petition.

3. Though, the learned counsel appearing for the petitioner urged this Court to consider the merits, this Court is of an opinion that when the 1st respondent has already undertaken the process of re-enquiry, it is not preferable to adjudicate the merits and demerits of the issues raised by the respective parties in the present writ petition. Thus, it is for the 1st respondent to consider all the merits and demerits raised by the respective parties, take a decision and pass orders in accordance with law.

4. In this regard, the petitioner as well as the 4th respondent and all other parties concerned with the issues are permitted to submit their respective explanation / objections and the documents, if any and in the event of receiving all such explanation / objections and documents or if necessary, by adducing evidence, the 1st respondent shall proceed with the re-enquiry and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order by affording all reasonable opportunities to the authorities concerned.

5. The writ petition stands disposed of with the above observations. No costs. Consequently connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

sk/pns

To

1. The District Registrar,
Ooty, Nilgiris District.

2. The Joint I Sub Registrar,
Ooty,
Nilgiris District.

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3. The Inspector General of Registration,
Santhome High Road,
Chennai.

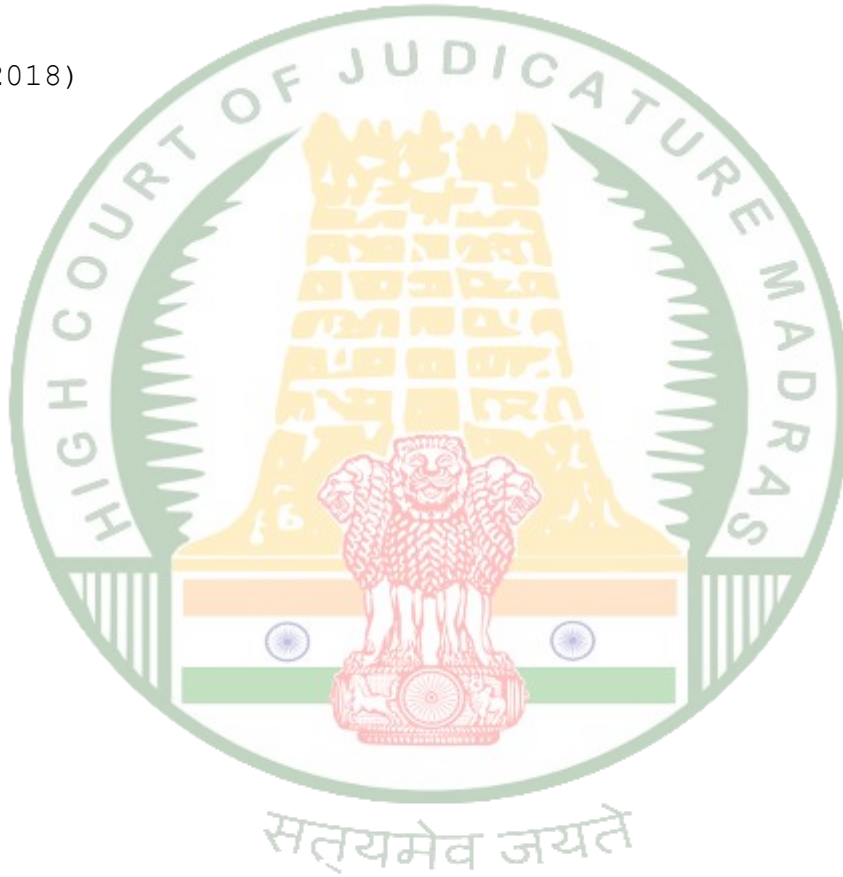
+1 CC to M/s.R. Anitha, Advocate sr 59981.

+1 CC to Govt. Pleader sr 60638.

+2 CC to M/s.V. Raghavachari, Advocate sr 59703,60023.

W.P.No.24734 of 2013

RR(CO)
SP(03/10/2018)



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