

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM :

The Hon'ble Dr.VINEET KOTHARI, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.A.No.2403 of 2018
and C.M.P.No.19274 of 2018

Mrs.Kalpana .. Appellant/4th Respondent

-vs-

1.S.Vidya Sagar

2.The District Registrar
Ooty, Nilgiris District.

3.The Joint I Sub-Registrar
Ooty, Nilgiris District.

4.The Inspector General of Registration
Santhome High Road, Chennai. .. Respondents

Appeal filed under Clause 15 of the Amended Letters Patent, 1865, praying to set aside the order passed by the learned single Judge in W.P.No.24734 of 2013 dated 31.08.2018 as the same is illegal and incompetent.

W.P.24734/2013:

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a 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 Appellant : Mr.V.Lakshminarayanan

For Respondents : Ms.R.Anitha for R1
: Mr.T.M.Pappaiah,
Spl. Govt. Pleader for R2 to R4

JUDGMENT

(Judgment of the Court was made by The Hon'ble Acting Chief Justice)

The appellant has preferred this intra Court appeal aggrieved by the direction given by the learned single Judge in W.P.No.24734 of 2013, dated 31.08.2018.

2. In the aforesaid writ petition, the writ petitioner, S.Vidya Sagar, has challenged the order of the District Registrar in proceedings No.728/B1/2012, dated 01.08.2013 and also filed an appeal before the Inspector General of Registration, Chennai, which is pending since 2013.

3. The learned single Judge in paragraph 4 of the impugned order has made the following directions:

'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.'

4. The only grievance raised by the learned counsel for the appellant is that there is no power of review or reconsideration with the District Registrar and therefore, the direction of the learned single Judge that the first respondent District Registrar will pass fresh orders on merits is not sustainable. He further submitted that since the appeal against the order passed by the District Registrar is already pending before the learned Appellate Authority viz., the Inspector General of Registration, Chennai, the 4th respondent in the present appeal, the said Appellate Authority may be directed to decide the said pending appeal as expeditiously as possible.

5. The learned counsel for the respondents have no objection to the same.

6. In view of the same, the present writ appeal is disposed of and the direction of the learned single Judge in paragraph No.4 quoted above are modified to the extent that the appellant shall appear before the Inspector General of Registration in the pending appeal filed by the first respondent, S.Vidya Sagar, and

the said Appellate Authority shall pass a speaking order after hearing the concerned parties as expeditiously as possible and in any event, within a period of four months from today.

7. With the above direction, this Writ Appeal is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

vsm

To

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.

+1 CC to Mr.V.Raghavachari, Advocate sr 86231.
+1 CC to Ms.R.Anitha, Advocate sr 86205.

W.A.No.2403 of 2018

VGI (CO)
SP(08/11/2019)

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