

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.18491 of 2012 and

M.P. Nos. 1 and 2 of 2012

1. J. Mahendran
2. Smt. J. Indira ... Petitioners

vs.

1.The District Registrar (Admn.),
(Assistant Inspector General Cadre)
North-Madras, George Town,
Chennai - 600 001.

2. The Sub Registrar,
(District Registrar Cadre),
Sembium, Chennai - 600 011.

3. K.B. Ashokan ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Certioarified Mandamus calling for the records of the 1st respondent's impugned order dated 25.06.2012 passed in proceedings No.2031/B1/2012 and quash the same and consequentially direct the 1st respondent to conduct a fresh enquiry by supplying the copy of the complaint dated 28.01.2012 with supporting documents of the complaint of the 3rd respondent by giving proper opportunity to the petitioner.

For Petitioners : Mr. A. Gowthaman
For Respondents : Mr. P.P. Purushothaman,
Government Advocate - R1 & R2

Mr. N. Kamaraj - for R3

O R D E R

The petitioners have filed the above Writ Petition to issue a Writ of Certioarified Mandamus to call for the records of the 1st respondent dated 25.06.2012, to quash the

same and consequentially direct the 1st respondent to conduct fresh enquiry by supplying the copy of the complaint dated 28.01.2012 with supporting documents of the complaint of the 3rd respondent by giving proper opportunity to the petitioners.

2. The 3rd respondent has given a complaint dated 28.01.2012 to the 1st respondent seeking to cancel the sale deed dated 25.08.2005 executed in favour of the petitioners. As per the provisions of Circular No.67, dated 03.11.2011, the 1st respondent by its order dated 28.06.2012, set aside the sale deed dated 14.09.2009. Challenging the same, the petitioners have filed the above Writ Petition.

3. When the Writ Petition is taken up for hearing, Mr. A. Gowthaman, learned counsel appearing for the petitioners submitted that the Government had withdrawn Circular No.67, dated 03.11.2011 on 08.11.2017 and therefore, the order passed by the 1st respondent should be set aside.

4. Mr. P.P. Purushothaman, learned Government Advocate, appearing for the respondents 1 and 2 as well as Mr. N. Kamaraj, learned counsel appearing for the 3rd respondent submitted that after the withdrawal of Circular No.67, dated 03.11.2011, the order passed by the 1st respondent should be set aside and the 3rd respondent should approach the Civil Court seeking for cancellation of the document.

5. In view of the submissions made by the learned counsel on either side, after the withdrawal of the Circular No.67, dated 03.11.2011, the order dated 25.06.2012, passed by the 1st respondent is liable to be set aside. Accordingly, the order dated 25.06.2012 passed by the 1st respondent is set aside. It is open to the 3rd respondent to file a Civil Suit seeking for cancellation of the document before the competent Civil Court.

With these observations, the Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

-sd-

Assistant Registrar (CS)

True Copy

Sub-Assistant Registrar

Rj

To

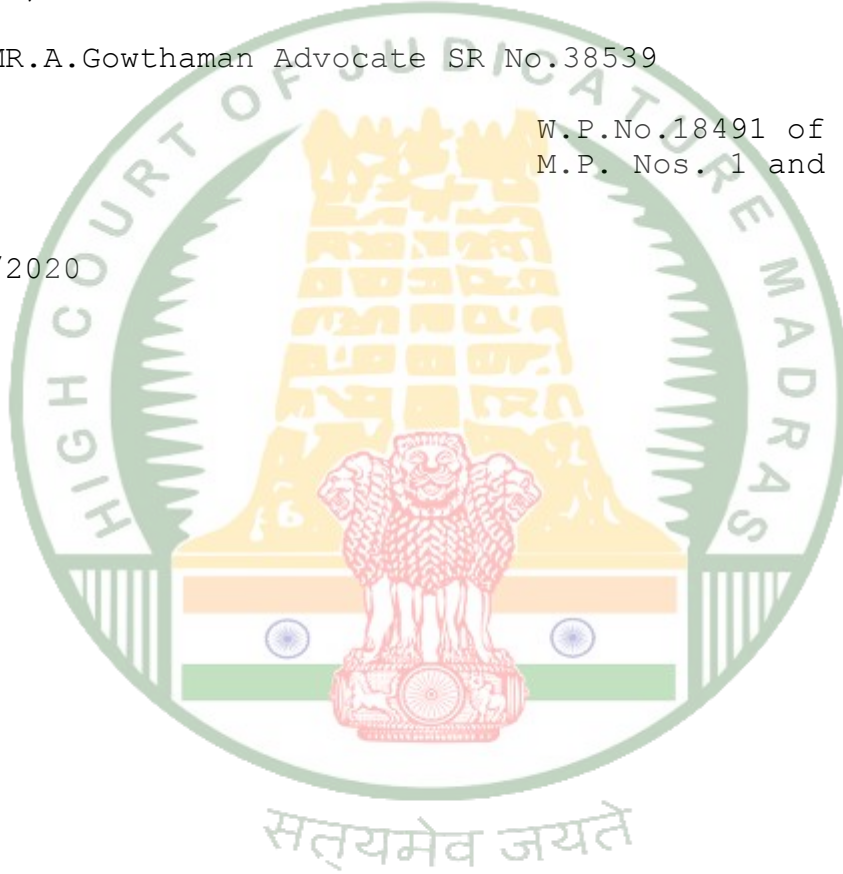
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+2 CC to MR.A.Gowthaman Advocate SR No.38539

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SSI (CO)
RRI 23/12/2020



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