

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.No.25372 of 2017

J.K.A.Kumararajah

... Petitioner

Vs.

1.The District Registrar (Administration),
Namakkal District.

2.The Sub Registrar,
Kumarapalayam, Namakkal District.

3.V.Radhakrishnan

... Respondents

(R3 - impleaded vide order dated 18.12.2020 made in
W.M.P.No.29575 of 2017)

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the 2nd respondent to implement the 1st respondent's order No.செ.மு.ஆ.எண்.7059/ஆ1/2014 dated 31.08.2015.

For Petitioner : Mr.M.N.Kathir for M/s.G.Pavendhan

For Respondents: Mr.B.Kannan,
Government Advocate (R1 & R2)

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the 2nd respondent to implement the order of the 1st respondent dated 31.08.2015.

2.By the proceedings dated 31.08.2015, the 1st respondent, by invoking Circular No.67 dated 03.11.2011, cancelled the registered documents in Document Nos.2290/2007, 70/2008, 7037/2009 and 3322/2010. Subsequently, the petitioner has given a representation dated 19.09.2017 to the 2nd respondent to implement the order dated 31.08.2015 of the 1st respondent.

3.Mr.B.Kannan, learned Government Advocate appearing for the respondents 1 & 2 submitted that since the Government had withdrawn Circular No.67 by notification dated 08.11.2017, the order passed by the 1st respondent cannot be implemented.

4.Since the Government, at the time of withdrawing the Circular No.67, had categorically stated that the order passed by the District Registrars cancelling the documents would not stand, the present order dated 31.08.2015, passed by the 1st respondent cannot be implemented. In such view of the matter, the prayer sought for in the Writ Petition cannot be granted.

5.With these observations, the Writ Petition is dismissed. However, it is open to the petitioner to work out his remedy before the Competent Civil Court in accordance with law. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Registrar (Administration),
Namakkal District.

2.The Sub Registrar,
Kumarapalayam, Namakkal District.

+1 CC to Mr.G. Paventhan, Advocate sr 42001.

+1 CC to The Government Pleader sr 41983.

W.P.No.25372 of 2017

VSNII (CO)
SP(19/01/2021)

सत्यमेव जयते

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