



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A(MD)No.1054 of 2014

M.Ramanathan

... Appellant/
Petitioner

Vs.

1.The District Registrar,
Karaikudi,
Sivagangai District.

2.The Joint Sub Registrar No.2,
Karaikudi,
Sivagangai District.

3.M.Subash Chandra Bose

... Respondents/
Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 17.07.2014 passed in W.P(MD)No.13889 of 2012.

Prayer in WP(MD). 13889 of 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the records relating to impugned order made in Na. Ka. No.3013/A1/2011 dated 31.03.2012 on the file of the first respondent and to quash the same and consequently direct the 2nd respondent to remove the entry of deed of cancellation of sale deed of the petitioner from the register maintained with their office with regard to the property in New S.No.193/23 in Checkkalakottai Village, Karaikudi Taluk.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Murugan
Government Advocate for R.1 & R.2

Mr.R.Sundar Srinivasan for R.3

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JUDGMENT

[Judgment of the Court was delivered by **M.DURAISWAMY, J.**]

The above writ appeal has been filed by the unsuccessful writ petitioner in W.P(MD)No.13889 of 2012 challenging the order passed by the first respondent in Na.Ka.No.3013/A1/2011, dated 31.03.2012.

2. In view of Circular No.67, dated 03.11.2011, the first respondent cancelled the sale deed dated 24.11.2008 executed in favour of the appellant/writ petitioner. Challenging the said order, the appellant/writ petitioner preferred a writ petition before this Court and this Court, by order dated 17.07.2014 dismissed the said writ petition upholding the Circular No.67, dated 03.11.2011. Challenging the order passed by the learned Single Judge, the above writ appeal has been filed by the appellant/writ petitioner.

3. During the pendency of this writ appeal, the Inspector General of Registration, Chennai, vide Letter No.41530/U1/2017, dated 08.11.2017, had withdrawn the Circular No.67, dated 03.11.2011.

4. In view of the withdrawal of the Circular No.67, dated 03.11.2011, the order passed by the first respondent in Na.Ka.No.3013/A1/2011, dated 31.03.2012, is liable to be set aside and accordingly, the same is set aside. Consequently, the order passed by the learned Single Judge in W.P(MD)No.13889 of 2012, dated 17.07.2014, is also set aside and this writ appeal stands allowed. The third respondent is at liberty to establish the genuineness of the document in question before the competent civil Court and if any judgment is rendered in his favour by the competent civil Court, it will hold good. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb



To

1.The District Registrar,
Karaikudi,
Sivagangai District.

2.The Joint Sub Registrar No.2,
Karaikudi,
Sivagangai District.

+1 CC to M/s.G.PRABHURAJADURAI, Advocate (SR-4038[F] dated
30/01/2020)

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-4058[F] dated
31/01/2020)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-4149[F] dated
31/01/2020)

+1 CC to M/s.SPL.GP (SR-4338[F] dated 31/01/2020)

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