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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23494 of 2018

and

W.M.P.Nos.27407, 27408, 33071 of 2019

S.P.Nachiappan

...Petitioner

Vs

1. The Inspector General of Registration,
Registration Department,
Santhome High Road, Chennai - 600 028.
2. The District Registrar (Administration),
Karaikudi.
3. The Joint Sub-registrar- II,
Karaikudi.
4. Muthukumar @ Muthukaruppan
5. D. Parthiban
6. Ponnammal
7. Vasantha
8. Karuppaiya
9. Ulaganathan

...Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records relating to the proceedings of the District Registrar (Administration), Karaikudi made in Na.Ka.No.1009/ B1/ 2012 dated 11.07.2016 the 2nd respondent herein and the Proceedings of the Inspector General of Registration Chennai - 28 and made in No.38748/ U1/ 2016 dated 29.11.2017 the first respondent herein and quash the same.



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For Petitioner : Mr.V.Karthic, Senior Counsel
for M/s.N.Damodaran

For Respondents : Mr.M.R.Gokul Krishnan,
1 to 3 Government Advocate

For Respondent 4 : Mr.A.P.Sathyamurthy

For Respondents : No Appearance
5, 6, 9

O R D E R

This writ petition is filed to issue a Writ of Certiorari to call for the records relating to the proceedings of the District Registrar (Administration), Karaikudi made in Na.Ka.No.1009/ B1/ 2012 dated 11.07.2016 the second respondent herein and the Proceedings of the Inspector General of Registration, Chennai - 28 made in No.38748/ U1/ 2016 dated 29.11.2017, the first respondent herein and quash the same.

2. Heard Mr.V.Karthic, learned Senior Counsel for M/s.N.Damodaran, learned counsel for the petitioner and Mr.M.R.Gokul Krishnan, learned Government Advocate for respondents 1 to 3 and Mr.A.P.Sathyamurthy, learned counsel for the fourth respondent.

3. The learned Senior counsel submitted that the petitioner filed an appeal before the first respondent, as against the order passed by the second respondent on 11.07.2016. In the said appeal, the petitioner was served notice and his counsel was heard in detail, who submitted his written arguments. The appeal was heard by an officer by name Mr.Selvaraj, I.A.S. in detail and order was reserved on 16.08.2017. However, the said Officer did not pass order and his successor Mr.J.Kumaragurubaran, I.A.S. passed the impugned order, which was dismissed on 29.11.2017, since the Circular No.67 dated 03.11.2011 issued by the first respondent had been withdrawn, by his Circular No.41530/U1/2017 dated 20.10.2017, there is no provision for appeal against the second respondent's order.

4. Therefore, admittedly the Officer passed order impugned in this writ petition dated 29.11.2017 has never heard the arguments of the petitioner and his counsel. Without a fresh hearing of appeal filed by the petitioner and without giving opportunity of arguments, the first respondent passed the order. Therefore, it is clear violations of principles of natural justice on this sole ground the impugned order cannot be sustained as against the petitioner.



5. In view of the above, the proceedings of the second respondent in Na.Ka.No.1009/B1/2012, dated 11.07.2016 and the proceedings of the first respondent in No.38748/U1/2016, dated 29.11.2017 are set aside. The appeal filed by the petitioner is hereby remitted back to the first respondent for fresh consideration and the first respondent is directed to issue notice to the parties concerned and pass orders on merits, in accordance with law, after giving the petitioner an opportunity of hearing, within a period of twelve weeks from the date of receipt of a copy of this order, without being influenced by this order.

6. Accordingly, this writ petition is allowed. No order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Inspector General of Registration,
Registration Department,
Santhome High Road, Chennai - 600 028.
2. The District Registrar (Administration),
Karaikudi.
3. The Joint Sub-registrar- II,
Karaikudi.

+lcc to Mr.N.Damodaran, Advocate, S.R.No.47092
+lcc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.47148
+lcc to the Government Pleader, S.R.No.47207, 47549

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SRA (CO)
RGA (27/10/2021)