



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.6286 of 2021

and

W.M.P. (MD) Nos.4905 and 4906 of 2021

WEB COPY

A.Gunasekaran

.. Petitioner

Vs

- 1.The Inspector General of Registration,
Department of Registration,
Pattinapakam,
Chennai.
- 2.The District Registrar (Administration),
Registration Department,
Dindigul.
- 3.The Sub Registrar,
Nilakottai,
Dindigul District.

4.Palaniappan

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling the records relating to the proceedings of the 2nd respondent made in RC.No.1700/B3/2018-4 dated 23.04.2018 which was received by the respondents under RTI Act on 16.03.2020.

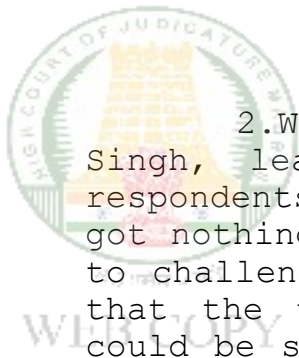
For Petitioner : Mr.R.Murali

For R1 to R3 : Mr.K.Sathiya Singh

Additional Government Pleader

ORDER

The present writ petition has been filed challenging the proceedings of the 2nd respondent dated 23.04.2018, informing the petitioner in regard to the withdrawal of the circular No.67, dated 03.11.2011 issued by the Inspector General of Registration. It is only an inter departmental communication and relating to amendment of registration of documents and the withdrawal of circular No.67, dated 03.11.2011. The said circular was withdrawn on the basis of the decision of the Hon'ble Supreme Court of India, dated 26.10.2016.



2. When the matter is taken up for hearing today, Mr.K.Sathiya Singh, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the communication, which has got nothing to do with the grievance of the petitioner has been put to challenge. The grievance of the petitioner on the other hand is that the withdrawal of the circular No.67, dated 03.11.2011, as could be seen from the averments of the affidavit filed in support of this writ petition. In any event, according to the learned Additional Government Pleader, the petitioner cannot challenge this communication as it is only a letter issued by the authority and not the action taken by the authority, which found to be adverse to the petitioner's interest in his perception.

3. On this objection, the petitioner's counsel is unable to come up with any answer, but this Court after perusing the impugned order is fully in agreement with the submission made by the learned Additional Government Pleader. The petitioner has come up with the wrong challenge and the impugned order is only a communication issued under the Right to Information Act, which cannot be a subject matter of challenge in any proceedings. A mere communication of the authority as to the action taken cannot be put to challenge, unless the action taken is challenged in the first place.

4. On this ground, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

To

1. The Inspector General of Registration,
Department of Registration,
Pattinapakam,
Chennai.
2. The District Registrar (Administration),
Registration Department,
Dindigul.
3. The Sub Registrar,
Nilakottai,
Dindigul District.

+1 CC to M/s.SPL GP (SR-12791[F] dated 22/03/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-12653[F] dated 22/03/2021)

W.P. (MD) No. 6286 of 2021

19.03.2021

RK (27.04.2021) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>