



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.908 of 2021

and

C.M.P. [MD]No.4134 of 2021

WEB COPY

1.N.R.Krishnamoorthy Raja

2.N.K.Rajai : Appellants/Petitioner/Writ Petitioners
Vs.

1.The Deputy Inspector General of Registration,
Registration Department,
Office of the TNAU Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.

2.The District Registrar,
(Audit & Administration),
Periyakulam, Theni District.

3.The Sub Registrar,
Theni - Sub Registrar Office,
Theni - 625 531.

4.Mahalakshmi : Respondents/Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order in W.M.P.[MD]No.3259 of 2021 in W.P. [MD]SR No.10640 of 2021 dated 01.03.2021.

Prayer in WMP(MD)No.3259 of 2021

The Writ Miscellaneous Petition filed under Rule 2(B) of Rules to Regulate the Proceedings Article 226 of Constitution of India, to permit the Petitioners to file single Writ Petition.

Prayer in WP(MD)No.SR.10640 of 2021

This Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records relating to the impugned notices of the second respondent in Na.Ka.No.18/E2/2021 dated 11.2.2021



For Appellants : Mr.S.Natarajan
For Respondents 1 to 3 : Mr.K.Sathiya Singh
Additional Government Pleader

JUDGMENT

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[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order passed by the learned Single Bench in W.M.P.[MD]No.3259 of 2021 in W.P.[MD]SR No.10640 of 2021 dated 01.03.2021.

2.Heard Mr.S.Natarajan, learned Counsel appearing for the appellants and Mr.K.Sathiya Singh, learned Special Government Pleader appearing for the respondents 1 to 3.

3.The appellants filed a petition to permit themselves to join together and file a single writ petition challenging the notice issued by the second respondent dated 11.02.2021, directing the appellants to appear for an enquiry. The learned Single Bench, while considering the 2B petition, dismissed the writ petition at the SR stage, giving liberty to the appellants to raise all points by replying to the impugned notice.

4.In our considered view, such a decision could not have been taken. After the writ petition was numbered and after considering all the points raised in the writ petition, a decision could have been taken. It would not be appropriate to reject the main relief when the 2B petition is heard. Therefore, the impugned order calls for interference. The question would be whether we are required to issue notice to the respondents before setting aside the impugned order dated 01.03.2021. We are not required to do so, because, the respondents were not put on notice when the learned Writ Court dismissed the writ petition in the SR stage and therefore, the respondents herein are not required to be heard for allowing this appeal.

5.Accordingly, this Writ Appeal is allowed, the order passed in W.M.P.[MD]No.3259 of 2021 in W.P.[MD]SR No.10640 of 2021 dated 01.03.2021 is set aside and the matter is remitted back to the file of the Hon'ble Single Bench and the petition seeking permission to join together and file a single writ petition is allowed. The Registry is directed to number the writ petition and list the same 'for admission'. The findings rendered by the learned Writ Court in the impugned order stands vacated, leaving it open to the appellants to raise all issues before the learned Single Bench, when the case



is listed 'for admission'. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Deputy Inspector General of Registration,
Registration Department,
Office of the TNAU Nagar,
Rajakampeeram,
Y.Othakadai,
Madurai - 625 107.
- 2.The District Registrar,
(Audit & Administration),
Periyakulam, Theni District.
- 3.The Sub Registrar,
Theni - Sub Registrar Office,
Theni - 625 531.

Copy to

1. The Registrar Judicial
Madurai Bench of Madras High Court, Madurai.
 2. The SAR (A.E Writ) Through
Madurai Bench of Madras High Court, Madurai
 3. The Assistant Registrar (Writ)
Madurai Bench of Madras High Court, Madurai
- +1 CC to M/s.S.NATARAJAN, Advocate (SR-17777[F] dated 28/04/2021)
+1 CC to M/s.SPL GP (SR-17897[F] dated 28/04/2021)

JUDGMENT MADE IN

W.A. [MD]No.908 of 2021

27.04.2021

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