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W.P.No.15921 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15921 of 2012

and M.P.No.2 of 2012

M/s.NSL (SEZ) Chennai Private Limited

A Company incorporated under Indian

Companies Act

having its registered office at

NSL ICON, 4th Floor, Road No.12

Banjara Hills

Hyderabad – 34

.. Petitioner

Versus

1.The Inspector General of Registration

Santhome, Chennai

2.The District Registrar

Chennai South

Saidapet

Chennai – 15

3.The Sub-Registrar

Neelankarai, Chennai

4.P.N.Ramakrishnan (died)

5.R.Srinivasan

6.M/s.Mercury Enterprises

Represented by the partners

Mr.G.Anbumani and

Mr.T.N.Surajudeen

23/10, Tiruveedian Street

Gopalapuram



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Chennai – 600 086

7.M/s.Alamelumangapuram and Ganapathi Syndicate

Residential Plot Owners Welfare Association

Shollinganallur

Represented by its President

T.Ashok Raj Jain

Having office at

No.8/2, Eighth Cross Street

Thiruvalluvar Nagar, Thiruvannamiyur

Chennai – 600 041

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records related to the impugned order bearing No.377/B1/2012 dated 30.04.2012 issued by the District Registrar, Chennai South and quash the same.

For Petitioner	: Mr.A.V.Radha Krishnan
For Respondents	: Mr.E.Vijay Anand for R1 to R3 Additional Government Pleader Mr.R.Rajesh for R5 Mr.S.Radhaagopalan for R6 Mr.S.Muthukumar for R7

ORDER

This writ petition is has been filed challenging the order bearing No.377/B1/2012 dated 30.04.2012 issued by the second respondent and quash the same.

2. The case of the petitioner is that the one of the private respondent made a complaint before the second respondent in terms of Circular No.67 dated 03.11.2011



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seeking to cancel the documents in Doc.Nos. 6725/2004 & 7034/2006. The second respondent summoned the petitioner and the other respondents on 15.06.2012. Pursuant to the summoning, the second respondent cancelled all the above documents under Section 49 of the Registration Act. Challenging the cancellation order of the second respondent, the petitioner has come up with this writ petition.

3. The learned Additional Government Pleader submitted that the Circular No. 67 dated 03.11.2011 was subsequently withdrawn on 20.10.2017. Based on the said circular, if any order is passed by the District Registrar, the said orders were subsequently cancelled vide order dated 06.04.2018. Hence, the impugned order which was passed based on the above circular, i.e., Circular No. 67 dated 03.11.2011 is also withdrawn by the Government.

4. Heard both sides and perused the materials placed on record.

5. Admittedly the facts of the present case are not in dispute. Since, the



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complaint was made based on the Circular No. 67 dated 03.11.2011, based on which the subject documents were cancelled and the said cancellation order is impugned herein. However, subsequently, the very circular itself was withdrawn by the Government on 20.10.2017, hence, the impugned order automatically becomes invalid and is no longer in existence. In view of the same, this Court sets aside the impugned order and further, grants liberty to the sixth respondent or any other aggrieved persons to work out their remedy by filing appropriate application/representation in terms of Section 77A of the Act before the second respondent. If any such application/representation is being filed, the second respondent is directed to consider the same and pass appropriate order(s) on merits and in accordance with law after providing opportunity of hearing.

6. Accordingly, the present writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
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M.DHANDAPANI, J.

dhk

To

1.The Inspector General of Registration
Santhome, Chennai

2.The District Registrar
Chennai South
Saidapet
Chennai – 15

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