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W.P.No.24651 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24651 of 2015

And

M.P.No.1 of 2015

B.Manju

Represented by her power agent

S.Ramesh

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome,
Mylapore,
Chennai – 28.

2.The District Registrar,
O/o.The District Registrar at
Chennai South,
Chennai – 15.

3.The Sub Registrar,
Sub Registrar Office,
Adayar,
Chennai.

4.Kanapathy Subramaniam
Represented by his Power of Attorney Agent
S.Rajarajan ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



W.P.No.24651 of 2015

issue a Writ of Certiorarified Mandamus calling for the entire records of the second respondent culminating the orders made in No.15015/A1/ 2014 dated 24.11.2014 and to quash the same and direct the respondent to annul the two fraudulent documents viz. (1) Sale agreement vide Document No.1900/09 dated 23.11.09, SRO, Adayar executed by Kanapathy Subramanian, through his power agent S.Rajarajan and (2) Mortgage deed Document No.2053/09 dated 14.12.09, SRO, Adayar, on their title.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.G.Krishna Raja for R1 to R3
Additional Government Pleader
R4 – Tapal Returned No Such Person

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the entire records of the second respondent culminating the orders made in No.15015/A1/ 2014 dated 24.11.2014 and to quash the same and direct the respondent to annul the two fraudulent documents viz. (1) Sale agreement vide Document No.1900/09 dated 23.11.09, SRO, Adayar executed by Kanapathy Subramanian, through his power agent



W.P.No.24651 of 2015

S.Rajarajan and (2)

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Mortgage deed Document No.2053/09 dated 14.12.09, SRO, Adayar, on their title.

2.The learned counsel appearing for the petitioner submitted that the petitioner made complaint in terms of the Circular of the Inspector General of Registration dated 03.11.2011 in Circular No.67/11, pursuant to which the impugned order was passed, however, Circular No.67/11, dated 03.11.2011, was withdrawn on 20.10.2017 and subsequent orders also withdrawn. Hence, this Court may set aside the impugned order and grant liberty to the petitioner to make fresh representation in terms of the relevant provisions of the Act.

3.The learned Additional Government Pleader did not dispute the facts submitted by the learned counsel appearing for the petitioner.

4.In view of the consent view expressed on either side and since the Circular of the Inspector General of Registration dated



W.P.No.24651 of 2015

03.11.2011 in Circular No.67/11 was withdrawn on 20.10.2017 and the consequential orders were also withdrawn, this Court is inclined to set aside the impugned order. Accordingly, the impugned order is set

aside. Liberty is granted to the petitioner to work out the remedy in the manner known to law.

5.The writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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Santhome,
Mylapore,
Chennai – 28.

2.The District Registrar,
O/o.The District Registrar at
Chennai South,
Chennai – 15.

4/5



W.P.No.24651 of 2015

3.The Sub Registrar,
Sub Registrar Office,
Adayar,
Chennai.

M.DHANDAPANI,J.
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W.P.No.24651 of 2015
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M.P.No.1 of 2015



WEB COPY



W.P.No.24651 of 2015

20.10.2022