



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26912 OF 2012
AND M.P.NOS.1 AND 2 OF 2012

M/s.Cosmo Foundations Ltd.,
rep.by its Director,
'Cosmo Nest',
No.16, Bank Street,
Halls Road, Kilpauk,
Chennai 600 010.

...Petitioner

Vs.

1.The District Registrar (Administration)
North Madras, Rajaji Salai,
Chennai 600 001.

2.M.Manickam

3.T.N.S.Ravikumar

4.T.Meera

5.T.Rajnarayanan

6.T.Rajavelu

7.R.Umadevi

8.R.Abirami

9.M.Udayakumar

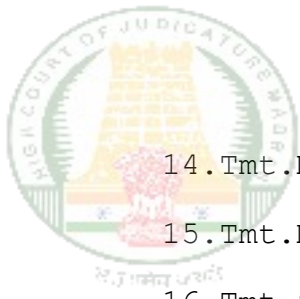
10.Tmt.Vijayalakshmi

11.Tmt.V.Rani

12.Mrs.Prema

13.T.S.Sampathkumar

13.T.S.Sivakumar



14.Tmt.Manimekalai

15.Tmt.Malathi @ Kotteeswari

16.Tmt.S.Kumudha @ Manjula

17.Nagalingam

18.T.S.Harikumar

19.Mrs.Vijayalakshmi

20.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam, Chennai 600 028.

21.Deputy Inspector General of Registration,
Chennai Zone, Rajaji Salai,
Chennai - 600 001.

22.The Sub Registrar,
Sowcarpet,
Chennai - 600 079.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records comprised in proceedings No.11838/A1/2011 dated 8.5.2012 on the file of the R2/District Registrar North Madras and quash the same and consequentially directing the registering authorities to restore the original entries in respect of the premises bearing Door No.512/1, corresponding to New Door No.2, comprised in R.S.No.600/2, Mint Street, Kondithoppu, Chennai-79, as it stood prior to the date of the impugned order passed by the District Registrar/R2 dt. 8.5.2012.

For Petitioner : Mr.N.Muralikumaran
for M/s.McGAN Law Firm

For RR20 and 21 : Mr.Yogeshkannadasan
Special Government Pleader

O R D E R

This petition has been filed for issuance of writ of Certiorarified Mandamus calling for the records of the R2/District Registrar North Madras and quash the same and consequentially directing the registering authorities to restore the original entries in respect of the premises bearing Door No.512/1, corresponding to New Door No.2, comprised in R.S.No.600/2, Mint Street, Kondithoppu, Chennai-79.



2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the present impugned order was passed based on the Circular No.67/2011 of the Inspector General of Registration, dated 03.11.2011 and subsequently the said circular itself was withdrawn on 20.10.2017 and hence the petition is to be allowed.

3. The learned Special Government Pleader appearing for the respondents 20 and 21 submitted that in view of the stay granted by this Court, the impugned order could not be withdrawn. He fairly conceded that in view of the withdrawal of the Circular, this Court may quash the impugned order.

4. Considering the facts and circumstances of the case, this Court is of the view that the present impugned order having been passed based on the Circular No.67/2011, dated 03.11.2011 which was subsequently been withdrawn by the Department on 20.10.2017, the impugned order is liable to be set aside and the Writ Petition deserve to be allowed.

5. Accordingly, this Writ Petition is allowed and the proceedings No.11838/A1/2011, dated 8.5.2012, on the file of the the District Registrar, North Madras, is set aside. However, liberty is granted to the private respondents to work out their remedy in the manner known to law. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2.Deputy Inspector General of Registration,
Chennai Zone,
Rajaji Salai,
Chennai 600 001.



3.The Sub Registrar,
Sowcarpet,
Chennai - 79.

+1cc to McGAN law Firm, Advocate, Sr.No.18368

+1cc to the Special Government Pleader, Sr.No.18804

W.P.No.26912 of 2012

SKM(CO)
RVM(11/04/2022)