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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5563 of 2022

P.Kandasamy

... Petitioner

Vs.

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Deputy Inspector General of Registration,
Registration Department,
Coimbatore Zone,
Kamarajar Road, Red fields,
Coimbatore - 641 018.
3. The District Registrar-Administration (AIG Grade),
District Registrar Office,
Railway Station Road,
Coimbatore - 641 018.
4. The Sub-Registrar,
Sulur Sub Register Office,
Sulur, Coimbatore - 641 402.
- 5.S.V.Duraisamy
- 6.V.Ganapathiyappan
- 7.V.Ramasamy
- 8.R.Subbiramaniyam
- 9.M.Partheeban

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.4273/A1/2019 dated 02.01.2020 and quash the same and consequently direct the third respondent to reconsider the matter afresh, based on the Circulars No.41530/U1/2017 dated 31.07.2018 and No.20217/U1/2021 dated 09.07.2021, issued by the first respondent.



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For petitioner : Mr.M.Vijayaragavan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in Na.Ka.No.4273/A1/2019 dated 02.01.2020 and quash the same and consequently direct the third respondent to reconsider the matter afresh, based on the Circulars No.41530/U1/2017 dated 31.07.2018 and No.20217/U1/2021 dated 09.07.2021, issued by the first respondent.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fifth respondent, notice to the fifth respondent is dispensed with.

4. The case of the petitioner is that the petitioner's grandmother/Karupakkal purchased the property comprised in Survey No.132/7, measuring an extent of 3.00 acres, situated at Arasur Village, Sulus Taluk, Coimbatore District from Kandasamy gounder by a Registered Sale Deed No.350 of 1935 dated 01.03.1935 on the file of the SRO, Sulus, and petitioner is claiming that he is the legal heir. Thereafter, they came to know that the property was illegally purchased by the private respondent vide Document No.7942 of 2006, 3180 of 2007 and 520 of 2010. Immediately, thereafter, the petitioner made a complaint to the respondents. However, the petitioner had not produced the legal heir certificate, for which the said complaint was not processed. Thereafter, the petitioner filed a suit and the petitioner was declared as the legal heir of the Karupakkal and obtained a legal heir certificate from the authorities. Thereafter, they made a complaint to cancel the said document which stands in the name of S.V.Duraisamy, V.Ganapathiyappan, V.Ramasamy and Parthiban. However, the said request was rejected on the ground that the circular was issued in the year 2017, the registration was made prior to that, and further the circular will not operate retrospectively, it will operate only prospectively. However, liberty granted to the petitioner to file appropriate suit before the competent Court. Challenging the same, the present writ petition has been filed by the petitioner.



5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court may permits the petitioner to work out his remedy as known to law.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to work out his remedy as known to law without interfering the impugned order.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tri/nhs

To

1. The Inspector General of Registration,
Registration Department,
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2. The Deputy Inspector General of Registration,
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4. The Sub-Registrar,
Sulur Sub Register Office,
Sulur, Coimbatore - 641 402.

+1cc to Mr.M.Vijayaragavan, Advocate, S.R.No.16891

+1cc to the Government Pleader, S.R.No.17765

W.P.No.5563 of 2022

MT(CO)
CT 04/04/2022