



W.P.No.33680 and 36848 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.33680 and 36848 of 2015 and
MP.Nos.1 of 2015 in both writ petitions

Abey Joseph

.. Petitioner in both petitions

Vs.

1.The Union Territory of Puducherry rep.by its
Secretary to Government,
Registration Department,
Secretariat, Puducherry.

2.The District Registrar,
Registration Department,
Government of Pondicherry,
Puducherry.

3.Julien Lebrunei

4.Alexander Joseph

5.Kulandhini

6.Clement

7.The Superintendent of Police
CID, Iyyanar Nagar, Puducherry.

.. Respondents in WP.No.33680/2015

1.The Union Territory of Puducherry rep.by its
Secretary to Government,
Registration Department,
Secretariat, Puducherry.



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2.The Inspector General of Registration,
The Government of Puducherry,
Department of Revenue and Diisastrous Management,
Office of the Inspector General of Registration,
Puducherry.

3.The District Registrar,
Registration Department,
Government of Pondicherry,
Puducherry.

4.Julien Lebrunei
5.Alexander Joseph
6.Kulandhini
7.Clement

...Respondents in WP.No.36848/2015

Prayer in WP.No.33680/2015:- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari Calling for the records of the second Respondent in DRP No. 4/2015/1098 dt. 05.10.2015 and to quash the same as illegal.

Prayer in WP.No.36848/2015:- Writ Petition filed under Article 226 of the Constitution of India praying of issuance of Writ of Certiorari Calling for the records relating to the Circular dated 18.3.2015 in No.8969/REGN/C3/DRDM/2014 of the 2nd respondent herein and quash the same.

In WP.No.33680/2015:

For Petitioner : Mr.C.Vigneswaran

For RR1 and 2 : Mr.J.Kumaran
Additional Government Pleader (pondicherry)

For RR3 : Mr.Prakash Adiapadam

For RR4 and 5 : Tapal returned



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In WP.No.36848/2015:

For Petitioner : Ms.AL.Ganthimathi

For RR1 to 3 : Mr.J.Kumaran
Additional Government Pleader (pondicherry)

For RR4 and 5 : Tapal returned

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Common Order

The petitioner has filed these petitions in W.P.No.33680/2015 for issuance of writ of Certiorari to call for the records of the second Respondent dt. 05.10.2015 and to quash the same and in another writ petition in WP.NO.36848/2015 to call for the records relating to the Circular dated 18.3.2015 of the 2nd respondent herein and quash the same.

2. Since the issue arises in these writ petitions are one and the same, both the writ petitions are taken up together and disposed of by this common order.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner in *WP.No.36848/2015* submitted that though the



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petitioner has filed the writ petition challenging the Circular dated 18.3.2015 of the 2nd respondent, subsequently the said Circular was withdrawn and a new Circular was issued on 05.08.2021 and hence nothing survives for further adjudication in the said writ petition.

4. Further the learned counsel appearing for the petitioner in *WP.No.33680/2015* submitted that the present impugned order was passed based on the Circular dated 18.03.2015. Since the said Circular was withdrawn, any order passed pursuant to such circular also not valid and accordingly prays for quashment of the impugned order.

5. The learned counsel appearing for the private respondents in both petitions submitted that this Court may grant liberty to the private respondents to workout their remedy in terms of new Circular dated 05.08.2021 and prays for appropriate orders in that regard.

6. In view of the consent view expressed by the respective learned counsels appearing for the parties, this Court passes the following order.



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Since the petitioner in **WP.No.36848/2015**, challenging the Circular dated 18.03.2015 and the same was subsequently withdrawn and new Circular has come into force on 05.08.2021, no further orders are necessary in W.P.No.36848 of 2015 and **accordingly, the said writ petition is closed.** No costs. Consequently connected miscellaneous petition is closed.

7. With regard to W.P.NO.33680 of 2015 is concerned, this Court is of the view that the facts in the present case is not in dispute that the present impugned order was passed based on the Circular dated 18.03.2015 and since the said Circular itself was withdrawn, all the subsequent proceedings based on the said circular has no force without any further reference and hence, the order impugned in this writ petition will not stand to continue.

8. In view of the above, **W.P.No.33680/2015 is allowed** and the impugned order of the second Respondent in DRP No. 4/2015/1098 dt. 05.10.2015, is set aside. However liberty is granted to the private respondents to workout the remedy in the manner known to law in terms of



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subsequent Circular and amended provisions. No costs. Consequently
connected miscellaneous petition is closed.

08.11.2022

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To

- 1.The Secretary to Government,
The Union Territory of Puducherry
Registration Department,
Secretariat, Puducherry.
- 2.The District Registrar,
Registration Department,
Government of Pondicherry,
Puducherry.
- 3.The Inspector General of Registration,
The Government of Puducherry,
Department of Revenue and Diisastrous Management,
Office of the Inspector General of Registration,
Puducherry.
- 4.The Superintendent of Police
CID, Iyyanar Nagar, Puducherry.



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M.DHANDAPANI.J.

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