



WEB COPY



W.M.P.No.16122 of 2022
in W.P.No.15148 of 2021

C.V.KARTHIKEYAN,J.

This writ miscellaneous petition has been filed seeking leave to the petitioner to file a petition to recall an order of this Court in W.P.No.15148 of 2022 dated 05.08.2021.

2.The said writ petition had been filed by the the 1st respondent herein, S.Balaji, in the nature of Mandamus, seeking a direction of this Court, to direct the 2nd respondent therein namely, The District Registrar, Registration Department, Chengalpet District, Chengalpet, to conduct swift enquiry on a representation dated 16.04.2021, which representation had been forwarded by the 1st respondent / The Deputy Inspector General of Registration (South), Registration Department, Saidapet, Chennai, with respect to lands in S.Nos.216 and 217 /1 of Potheri Village, Chengalpet District.

3.During the hearing of the writ petition, this Court had the benefit of hearing the learned counsel for the petitioner and also the learned Special Government Pleader of the respondents, who had taken notice on behalf of the said two respondents. The Court had issued a mandamus, directing the 2nd respondent to



complete the enquiry and pass orders on the said representation within a period of 12 weeks from the date of receipt of a copy of such order. The writ petition was thus disposed.

4. Thereafter, the present writ miscellaneous petition has been filed by the petitioner herein seeking leave to re-examine the order already passed. In such a circumstances, the prima facie of the petitioner alone will have to be examined.

5. A perusal of the documents filed shows that the parties herein have been at *lis* over the very same lands for nearly a decade as on date. A string of such litigations had been given by the petitioner herein, but even if in one, the writ petitioner had filed a similar writ petitioner or any other judicial proceedings, and which had been later recalled by this Court it would be a sufficient ground to grant leave.

6. In that manner, an earlier W.P.No.21539 of 2010 had been filed with a prayer to dispose of a representation. Claiming that the said representation had not been disposed of, a contempt petition was also filed in Cont.P.No.1708 of 2010. That contempt petition was dismissed. Thereafter, the present petitioner appears to have filed an application seeking leave and had participated in the subsequent



proceedings and the writ petition in W.P.No.21539 of 2010 had been dismissed by this Court.

7.It is also to be mentioned that with respect to the lands, a civil suit is also pending. In the affidavit filed in support of the writ petition, it had been stated that the civil suit is pending. The petitioner herein however states that the said civil suit had been dismissed for non-prosecution. It is contended that it was dismissed for non-prosecution during the period of Covid-19 Pandemic and that necessary petition had been filed to restore the civil suit. But the fact is, on the date when the writ petition was filed, the civil suit stood dismissed and that fact was not stated.

8.In view of these facts, it would only be appropriate that the Court also provides a platform to the petitioner herein to be heard before a final decision is taken whether the order passed in writ petition should be recalled or not. This writ miscellaneous petition is therefore allowed. The Registry may number the consequential petitions if any filed, and list them before this Court.

01.08.2022

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