



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23072 of 2014

and

W.M.P.No.2 of 2014 & W.M.P.No.1527 of 2018

R. Santhi

... Petitioner

Vs

1. The Inspector General of Registration,
Santhome, Chennai-600 028.

2. The District Registrar,
Vellore District, Vellore.

3. The Sub Registrar,
Gudiyatham, Vellore District.

4. G. Jayakumar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned order dated 23.07.2012 in his proceedings Na.Ka.No.3994/2012, passed by the 2nd respondent to quash the same.

For Petitioner ... M/s. G. Vinodh kumar

For Respondents ... Mr. Yogesh Kanndasan,
Special Government Pleader
for R1 to R3.

... Mr. S. Santhan for
M/s. Sai naam Associates for R4

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 23.07.2012 passed by the 2nd Respondent herein.

2. It is the case of the petitioner that he is the absolute owner of the property situated in Survey No.253/1A, in



Plot No.47 Sedhukkarai Village, Gudiyatham Taluk, Vellore District, which property was purchased from one Rukmany vide Registered Sale Deed dated 29.03.2007. Since then, the petitioner is in enjoyment and possession of the said property. While being so, due to a dispute between the petitioner and the 4th respondent, the petitioner filed a suit in O.S, No.190 of 2011 on the file of the District Munsif Court, Gudiyatham praying to restrain the 4th respondent from interfering with the peaceful possession of the said property by the petitioner, however, the same is pending. Suppressing the pendency of the suit, the 4th respondent had lodged a complaint with the 2nd Respondent, based on which, the impugned order dated 23.07.2012 has come to be passed without any prior notice to the petitioner, canceling the sale deeds in Document Nos. 3283 of 1996 and 2100 of 2007. On coming to know about the said impugned order, the petitioner filed a petition before the 1st Respondent under the Right to Information Act, pursuant to which, the petitioner was served with the copies of the impugned order. Challenging the said impugned order, the present petition has been filed seeking the relief of quashment of the same.

3. Learned counsel for the petitioner submits that the 2nd Respondent had failed to note that Circular No.67 dated 03.11.2011 issued by the 1st respondent, which has been referred in the impugned order was stayed by this Court and a batch of Writ petitions are pending assailing to the said G.O., and subsequently, the said circular was also withdrawn on 20.10.2017. Therefore, the said circular cannot form the basis of granting relief as given in the impugned order. Hence, the order impugned in this Writ Petition is liable to be set aside.

4. Learned Special Government Pleader appearing for the Respondents 1 to 3 fairly concedes with the submission of the learned counsel for the petitioner.

5. Learned counsel for the 4th Respondent submits that this Court may permit the 4th respondent to file a fresh complaint before the District Registrar in accordance with the circulars issued by the Registration Department.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. Upon perusal of the materials available on record and in view of the fact that the order impugned in this Writ Petition has come to be passed based on a circular which has been stayed by this Court on the date of passing of the impugned order and subsequently, the said circular also having been withdrawn, this Court is of the opinion that the Circular which has been



referred in the impugned order cannot form the basis for passing the impugned order. Hence, this Writ Petition is allowed by setting aside the impugned order passed by the 2nd Respondent herein, while granting liberty to the 4th Respondent to workout his remedy in the manner known to law.

8. Accordingly, this Writ Petition is allowed in the above terms. No Costs. Consequently, the connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Inspector General of Registration,
Santhome, Chennai-600 028.
2. The District Registrar,
Vellore District, Vellore.
3. The Sub Registrar,
Gudiyatham, Vellore District.

+1cc to Mr.S.Santhan, Advocate, S.R.No.21565
+1cc to Mr.G.Vinodh kumar, Advocate, S.R.No.21495
+1cc to the Government Pleader, S.R.No.22258

W.P.No.23072 of 2014

PVS (CO)
SB(01/06/2022)