



W.P.No.19179 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.19179 of 2017

and

WMP.No.20718 of 2017

K.Palanisamy

...Petitioner

Vs.

1. The District Registrar,
Office of the District Registrar,
Namakkal, Namakkal District.
2. The Sub-Registrar,
Tiruchengode, Namakkal District.
3. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.
4. R.Thangavel
5. R.Subramanian
6. D.Kalaivani
7. M.Uma Maheswari

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.No.7195/Aa1/2016 dated



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19.06.2017 so as to quash the same.

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For Petitioner : Mr.N.Jothi
for Mr.S.Vinod

For Respondents : Mr.E.Vijay Anand, AGP, for R1 to R3
Mr.T.Arockiadass for
M/s.Dass & Viswa Association, for R4 & R5
No Appearance, for R6 & R7

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Certiorari to call for the records of the 1st respondent in respect of the proceedings bearing Na.Ka.No.7195/Aa1/2016 dated 19.06.2017 and quash the same.

2. The case of the petitioner is that pursuant to the petition dated 18.11.2016 filed by the 4th and 5th respondents before the 1st respondent, seeking to cancel the the Sale deeds dated 04.07.2016 bearing Doc.Nos. 4075 & 4076 of 2016 executed by the 6th and 7th respondents in favour of the petitioner, the 1st respondent has issued the impugned summon dated 19.06.2017, calling upon the petitioner to appear before the 1st respondent



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for enquiry. Challenging the same, the present Writ petition is filed.

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

4. Though very many contentions have been advanced by the learned counsel on either side, at the time of arguments, the major grievance of the petitioner is that, the impugned summon is issued by the 1st respondent, pursuant to the petition dated 18.11.2016 made by the 4th and 5th respondents based on the Circular No.67 of 2011 dated 03.11.2011, however, it is pertinent to note that, during the pendency of this Writ petition, the said circular was withdrawn, vide communication dated 20.10.2017. Therefore, the subsequent proceedings initiated by the official respondents based on the said Circular stood extinguished. The said contention is not disputed by the learned counsel appearing for the respective respondents. However, the learned counsel for the 4th and 5th respondents sought for permission of this Court to file fresh application in terms of the amendment made in the Registration Act, 1908.



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5. In view of the above, this Court has no hesitation to interfere with the impugned summon dated 19.06.2017 issued by the 1st respondent and the same is set aside and this Writ petition is allowed. However, liberty is granted to the 4th and 5th respondents to file a fresh petition/complaint in terms of the Section 77A of the Registration Act, 1908.

6. With the above observations and directions, this Writ petition is allowed. No costs. Consequently, connected Miscellaneous petition is closed.

28.11.2022

skt

Index : Yes/No

Speaking order : Yes/No

To:

1. The District Registrar,
Office of the District Registrar,
Namakkal, Namakkal District.
2. The Sub-Registrar,
Tiruchengode, Namakkal District.

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3. The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

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M.DHANDAPANI, J.

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