



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4201 of 2022

Sankaran

... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Tirunelveli.

3.The District Registrar,
Office of District Registrar, Tirunelveli.

4.The Sub Registrar,
Sub Registrar Office, Valliyoor,
Tirunelveli District.

5.Muthaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to take on file and dispose the stay application filed by the petitioner along with Appeal No.1258/2022 challenging the order of the third respondent in Na.Ka.No.4059/E2/2020 dated 17.12.2021 within a time frame that may be stipulated by this Court

For Petitioner :Mr.R.Pon Karthikeyan
For R1 to R4 :Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to take on file and dispose of the stay application filed by the petitioner along with the appeal in Appeal No.1258 of 2022, challenging the order of the third respondent, dated 17.12.2021 within a time frame to be fixed by



this Court.

2.The case of the petitioner is that aggrieved by the order of the third respondent, dated 17.12.2021, wherein, the Sub Registrar was directed to prosecute the petitioner criminally for falsification of documents, the petitioner has preferred a statutory appeal before the second respondent and the said appeal has been numbered as Appeal No.1258 of 2022.

3.According to the petitioner, even though stay application was filed seeking stay of the order of the third respondent, dated 17.12.2021, the said application has not been taken up for consideration. In such circumstances, the petitioner has filed the present Writ Petition seeking for early disposal of the stay application.

4.The petitioner has denied the allegations levelled against him with regard to the falsification of documents in his affidavit filed in support of this Writ Petition. He has filed certain documents along with the Writ Petition in support of his contention. The same is to be examined in the appeal pending on the file of the second respondent. However, since criminal prosecution has been directed to be launched against the petitioner under the order, dated 17.12.2021 passed by the third respondent and that too when the petitioner has expressed difficulty in bringing the stay application for hearing before the second respondent, this Court will have to protect the interest of the petitioner till the statutory appeal is finally disposed of by the second respondent within a prescribed time limit to be fixed by this Court.

5.Without expressing any opinion on the merits of the petitioner's case and in view of the fact that the criminal prosecution has been directed to be launched against the petitioner and that too when the petitioner has pleaded innocence, this Court has to necessarily protect the interest of the petitioner atleast till the disposal of the statutory appeal by the second respondent.

6.Accordingly, this Writ Petition is disposed of by granting interim stay of the order, dated 17.12.2021 passed by the third respondent against the petitioner until the disposal of the statutory appeal filed by the petitioner in Appeal No.1258 of 2022, which is pending on the file of the second respondent. The second respondent is directed to pass final orders on the petitioner's appeal, namely, Appeal No.1258 of 2022 within a period of twelve weeks from the date of receipt of a copy of this order.

7.It is made clear that interim stay is granted only till the disposal of the statutory appeal. It is also made clear that if the second respondent finds the petitioner guilty, he can confirm the order passed by the third respondent on 17.12.2021 and the



interim protection granted to the petitioner by this Court is without expressing any opinion on the merits of the matter will stand automatically vacated thereafter. No costs.

Sd/-

Assistant Registrar (CS I)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

- 1.The Inspector General of Registration,
Santhome High Road, Chennai.
- 2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Tirunelveli.
- 3.The District Registrar,
Office of District Registrar, Tirunelveli.
- 4.The Sub Registrar,
Sub Registrar Office, Valliyoor,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-11204[F] dated 10/03/2022)

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-11464[F] dated 11/03/2022)

Order made in
W.P. (MD)No.4201 of 2022
09.03.2022

SB(CO)
KP(05.04.2022) 3P 7C