



WEB COPY

W.A(MD)No.350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.350 of 2022

1.S.Ramachandran

2.V.Pandiyan

3.S.Pandiyan

4.R.Murugan

... Appellants/ Respondent 5 to 8

Vs

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai - 600 028.

2.The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Combined Registrar Office,
Thirumohur Road, Othakadai,
Madurai - 625 107.

3.The District Registrar,
O/o. The District Registrar,
Karaikudi, Sivagangai District.

4.The Sub Registrar No.2,
O/o. The Sub Registrar No.2,
Karaikudi, Sivagangai District. ... Respondent 1 to 4/ Respondents

5.A.R.Ramasamy ... 5th Respondent/ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.03.2022 made in W.P.(MD) No. 4373 of 2022.

Prayer in WP(MD) . 4373 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS for a direction directing the respondent 1 to 4 to record the proceedings of the 4th respondent in Na.Ka.No.391/Aa1/2015 dated 23.08.2016 in the Encumbrance Certificate for the properties in the Survey No.110/1, in Amaravathi Pudur, Karaikudi Taluk, Sivagangai District within the time period stipulated by this Honble Court and pass any further or other orders as this Honble Court may deem fit and proper under the circumstances of the case and thus render



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For Appellants : Mr.D.Venkatesh
For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by
Mr.S.Shanmugavel,
Additional Government Pleader
for R1 to R4
: Mr.Mahaboob Fazil for R5

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

1. Challenge in this appeal is made to the order dated 11.03.2022 recorded on W.P(MD) No. 4373 of 2022. This appeal is by the fifth respondent.

2. Learned advocate for the appellant, learned advocate for the original writ petitioner and learned Additional Advocate General for the State Authorities have jointly submitted that, the proceedings of W.P.(MD) No. 18703 of 2016 had bearing on this writ petition and that, had it been brought to the notice of learned Single Judge, it is quite possible that the order dated 11.03.2022 might have been different.

3. Keeping the above in view, we find that, ends of justice would meet if the matter is considered afresh by learned Single Judge.

4. Though we do not find any error in the order under challenge, only for the limited purpose to facilitate the hearing of the petitioner afresh, that too in the circumstances noted above, at joint request, the order dated 11.03.2022 passed by learned Single Judge needs to be set aside.

5. For the above reasons, the following order is passed:-

5.1 Registry shall notify W.P.(MD) No. 4373 of 2022 for fresh consideration before the concerned court.

5.2 W.P.(MD) No. 18703 of 2016 shall also be tagged with W.P (MD) No. 4373 of 2022.

5.3 For the limited purpose to facilitate the above, this writ appeal is disposed of by setting aside the order dated 11.03.2022.



5.4 Learned Single Judge is requested to reconsider the issue, keeping in view the proceedings of W.P.(MD) No. 18703 of 2016, including the interim order, if any passed therein.

5.5 No costs. C.M.P.(MD) No.3437 of 2022 would not survive.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssm/8

To

- 1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
O/o. The Deputy Inspector General of Registration,
Combined Registrar Office,
Thirumohur Road, Othakadai,
Madurai - 625 107.
- 3.The District Registrar,
O/o. The District Registrar,
Karaikudi, Sivagangai District.
- 4.The Sub Registrar No.2,
O/o. The Sub Registrar No.2,
Karaikudi, Sivagangai District.

COPY TO:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP. (SR-19162[F] dated 18/04/2022)

W.A(MD)No.350 of 2022
13.04.2022

RD(22.04.2022) 3P 7C