



WEB COPY



W.P.No.9723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9723 of 2023

and

W.M.P.Nos.9801 & 9803 of 2023

K.Sivaprakash
Rep. by their Authorized Manager
M/s.Mehra Farms
Puthuppathy,
Mavuthampatty Village,
Navakkarai Post, Madukkari Taluk,
Coimbatore District – 641 105.

...Petitioner

-Vs-

- 1.The Inspector General of Registration,
100, Santhome High Road,
Santhome, Mylapore,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Coimbatore Zone,
Office of DIG Registration,
Coimbatore.
- 3.The District Registrar [Admin][AIG Cadre]
Office of District Registrar,
Coimbatore.



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4.The Sub-Registrar,
O/o.Sub-Registrar, Madukkarai,
Coimbatore District.

5.V.Thulasimani

6.Selvarathinam

7.S.Selvanayagi

8.S.Selvakrishna

9.S.Selvasriram

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order rejecting the interim relief in appeal proceeding vide Na.Ka.No.5005/E2/2022 dated 28.10.2022 passed by the 2nd respondent challenging the 3rd respondent order vide No.11561/B1/2021 dated 21.06.2022, consequently the 4th respondent accept and registered as Document No.10247/2022 dated 07.12.2022 which encumbrance between 5 to 9 respondents in pending appeal proceedings and quash the same as illegal, non-est and to direct the 4th respondent to make necessary entry in the register maintained for the same.

For Petitioner : Mr.V.Manohar

For R1 to R4 : Mr.D.Ravichander
Special Government Pleader

For R5 to R9 : Mr.N.Manokaran



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ORDER

The interim order passed by the Deputy Inspector General of Registration in proceedings dated 28.10.2022 is under challenge in the present writ petition.

2.The 5th respondent filed an application before the third respondent to cancel the document under Section 77A of the Registration Act. The said application to cancel the document was allowed by the third respondent and challenging the said order, the writ petitioner preferred an appeal before the second respondent under Section 77B of the Registration Act. Along with the appeal, the writ petitioner filed an interlocutory application to grant stay of the order granted by the third respondent. The said application was rejected on the ground that the Deputy Inspector General of Registration is not empowered to grant any such interim order as per the provisions of the Registration Act and therefore, held that the main appeal will be decided. The order has been passed in the year 2022 and almost nine months lapsed.



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3.This being the factum, the second respondent is directed to expedite the appeal, hear the matter by affording opportunity to all the parties and dispose of the appeal as expeditiously as possible.

4.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

17.07.2023

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

cse



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S.M.SUBRAMANIAM, J.

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