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W.A.No.1507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.1507 of 2024

1. The Inspector General of Registration
Office of the Inspector General of Registration
No.100, Santhome High Road
Pattinampakkam, Chennai 600 028
 2. The District Registrar
Office of the District Registrar (Chennai-North)
1st Floor, Kuralagam Building
Parrys, Chennai 600 108
 3. The Sub Registrar
Konnur Sub Registrar Office
Villivakkam Panchayat Union Office Complex
Ambattur, Chennai 600 053 .. Appellants
- v.
1. V.Kumaravel
 2. D.Rajan Dev
- Both represented by their Power Agent
M.Krishnamurthy Raju .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the



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order dated 28.11.2023 made in W.P.No.24295 of 2023.

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For Appellants :: Mr.B.Vijay
Additional Government Pleader

For Respondents :: Mr.Ashwin Kumar

JUDGMENT

(Judgment of the Court was made by S.S.SUNDAR,J.)

This writ appeal is directed against the order of the learned single Judge dated 28.11.2023 in a writ petition in W.P.No.24295 of 2023. The respondents in the writ petition are the appellants before this Court.

2. The respondents herein, as petitioners, filed the Writ Petition No.24295 of 2023 for issuance of a writ of mandamus directing the third appellant herein for the registration of General Power of Attorney deed pending in Document No.P-259/2021 and the deed of cancellation of sale agreement pending in Document No.P-258/2021 on the file of Konnur Sub Registrar Office. The learned single Judge, while disposing of the writ petition by issuing a direction to the registering authority either to register the said documents, if the documents presented by the petitioners are



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otherwise in order, or to pass suitable orders within a period of 15 days from the date of receipt of a copy of the order, issued further direction to take departmental action against the Sub Registrar of Konnur Sub Registrar Office and to file the action taken report before the Court on or before 30.01.2024. The appellants are only aggrieved by the direction of the learned single Judge for initiating departmental proceedings against the third appellant herein.

3. It is to be noted that the individual officer is not before this Court. When somebody is impleaded in official capacity, the order directing to take action against the incumbent should be avoided. In this case, the direction to the first appellant to take departmental action against the third appellant is not necessary having regard to the facts recorded. It is well settled that any action done by a statutory authority in exercise of official functions cannot be doubted, unless such action is tainted with immorality, dereliction of duty or any other misconduct. In the absence of ingredients for charging the officer for serious misconduct, the direction of the learned single Judge for initiating departmental proceedings is not appropriate and



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therefore this Court finds that the order of the learned single Judge in this regard cannot be sustained on the settled principles of law. Hence, the order of the learned single Judge in paragraphs 7 to 9 is set aside and the writ appeal stands allowed. Consequently, C.M.P.No.10640 of 2024 is closed.

No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (K.R.S.,J.)
09.08.2024

ss

To

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