



WEB COPY



W.P.No.34223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.34223 of 2023

R.Arularasan

... Petitioner

Versus

1.The Inspector General of Registration,
No.110, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
No.52, Orikkai Madhura,
Kancheepuram – 631 502.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records in No.24033/U1/2023 dated 13.10.2023 on the file of the first respondent and quash the same.

For Petitioner : Ms. Gnana Banu

For Respondents : Mr. R. Vigneshwaran,
Government Advocate



W.P.No.34223 of 2023

ORDER

WEB COPY

This Writ Petition is filed challenging the proceedings in No.24033/U1/2023 dated 13.10.2023 of the first respondent and quash the same.

2. The claim of the petitioner is that the petitioner made a representation dated 26.10.2022 before the first respondent to take criminal action on the Sub-Registrar, Joint-I, Kanchipuram and allow sanction for prosecution. Since the first respondent has not considered his representation and pass any orders, the petitioner approached this Court by filing a Writ Petition in W.P.No.5008 of 2023 and this Court also considered the same and passed order on 21.02.2023 and directed the first respondent to pass orders in accordance with law after giving opportunity to all the parties and decide the matter on merits, within a period of eight weeks from the date of receipt of a copy of that order. Subsequently, the impugned order came to be passed on 13.10.2023, in which, the first respondent had not given any answer for the petitioner's representation dated 26.10.2022 as to whether the first respondent satisfied with the sanction for prosecution or agree with the findings in this regard but, instead of that discussed about the Rules and



W.P.No.34223 of 2023

directed the parties to approach the Civil Court, therefore, the purpose of the petitioner's representation / application / revision was not served. Aggrieved by the same, challenging the impugned order dated 13.10.2023, the present Writ Petition is filed before this Court.

3. Heard both sides and perused the materials available on record.

4. Since this Court has already directed the first respondent in the earlier writ petition, to consider the petitioner's representation dated 26.10.2022 and to pass order, thereafter, the first respondent had passed the present impugned order dated 13.10.2023, without any clarification with regard to the petitioner's representation dated 26.10.2022. Therefore, the impugned order is liable to be set aside.

5. Therefore, this Court is of the considered view that the impugned order passed by the first respondent is hereby quashed. However, the first respondent is directed to issue notice to the petitioner / rival claimants/interested parties if any and pass fresh order in accordance with law, within a period of two months from the date of receipt of a copy of this



W.P.No.34223 of 2023

order.

WEB COPY

6. With the above observation and direction, the Writ Petition is allowed. No costs.

31.01.2024

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt

To:

1.The Inspector General of Registration,
No.110, Santhome High Road,
Chennai – 600 028.

2.The District Registrar,
Office of the District Registrar,
No.52, Orikkai Madhura,
Kancheepuram – 631 502.



WEB COPY



W.P.No.34223 of 2023

P. VELMURUGAN, J.

klt

W.P.No.34223 of 2023

31.01.2024