

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2015

CORAM
THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.28912 of 2015
and M.P.No.1 of 2015

1.K.Almas Begum
2.K.Tippu Sultan

... Petitioners

-Vs-

The Sub Registrar,
Madhavaram, Chennai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records in connection with the impugned Letter No.145/14-15 dated 12.05.2015 passed by the respondent and quash the same and direct the respondent to pass a detailed and reasoned order after affording the petitioner an opportunity of being heard and in accordance with Section 80A(1) of the Registration Act, 1908.

For Petitioners : Mr.Mohammed Fayaz Ali

For Respondent : Mrs.P.Rajalakshmi, Government Advocate

O R D E R

The respondent issued a show cause notice dated 07.05.2014 calling upon the petitioners to show cause as to why a sum of Rs.2,23,000/- shall not be recovered from the petitioners. A reply was sent by the petitioners on 10.07.2014. After the receipt of the reply, by the impugned letter dated 12.05.2015 the petitioners were informed that they can file an appeal.

2.As rightly submitted by the learned counsel for the petitioners, the respondent has totally misused his role. After getting a reply, it is a duty imposed on him to consider the same and pass a reasoned order, which he has not done. No reasons have been given in the impugned letter, which is stated to be the final order.

3.In view of the above, the order impugned is set aside. The Writ Petition stands allowed. The respondent is directed to issue notice to the petitioners, after giving personal hearing to the petitioners. Thereafter, a reasoned order will have to be passed, after considering the reply given by the petitioners and to be given subsequently. The said exercise will have to be completed within a period of eight weeks. No costs. Consequently, the connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

va
To

The Sub Registrar,
Madhavaram, Chennai.

+1 cc to Mr.Mohammed, Advocate (sr.50372)
+1 cc to Government Pleader (sr.50574)

vs (co)
cp 29/09/2015

W.P.No.28912 of 2015
and M.P.No.1 of 2015

सत्यमेव जयते

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