

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20403 of 2014

and

M.P.No.1 of 2014 & 40123 of 2018

A.T. Om Prakash

... Petitioner

Vs

1. The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruorur Taluk, Kancheepuram District.

2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records of the impugned order of the first respondent passed in Na.Ka.No.676/2015 dated 12.10.2015 and to quash the same and also issue a direction to the first respondent herein to register the release deed dated 30.01.2014 vide pending document No.P.28/2014 ddated 31.01.2014 and return the same to the petitioner without insisting for 'No Objection Certificate " from the petitioner herein.
(Prayer amended vide Court order dated 04.01.2019 made in W.M.P.No.40121/2018.)

For Petitioner : Mr. M.Balasubramanian

For Respondent : Mr. P.P.Purushothaman,
Government Advocate

WEB COPY
O R D E R

This writ petition has been filed challenging the order passed by the Sub-Registrar/first respondent herein thereby refused to register the document on the ground that the petitioner failed to submit patta regarding the property sought to be registered.

2. The learned counsel appearing for the petitioner would submit that earlier the petitioner has submitted a release deed for registration before the first respondent. Since the same was not registered by the first respondent, the present writ petition has been filed in the month of July 2014, seeking a direction to the first respondent to register the above document. Pending writ petition, the first respondent is said to have passed an order on 12.10.2015 without issuing any notice and without conducting any enquiry whatsoever. Hence, the petitioner amended the prayer challenging the order passed by the first respondent.

3. The primordial contention of the learned counsel for the petitioner is that the impugned order has been passed without issuing any notice to the petitioner and without conducting any enquiry whatsoever and on that ground the impugned order is liable to be set aside.

4. The learned counsel appearing for the respondent would submit that as per the circular issued by the Inspector General of Registration, the petitioner has to submit a copy of the patta before registration. Since the petitioner failed to produce copy of the patta, the impugned order has been passed.

5. I have considered the rival submissions and perused the materials available on records.

6. From the perusal of the order passed by the first respondent, it could be seen that the order has been passed without any notice to the petitioner and also without conducting any enquiry whatsoever. In the above circumstances, Without going into the merits of the case, the impugned order is liable to be set aside on the ground of violation of principles of natural justice.

7. In the said circumstances, the impugned order passed by the first respondent is set aside and the first respondent is directed to issue notice to the petitioner and conduct proper enquiry and thereafter pass suitable order on merits and in accordance with law. The above exercise should be completed within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mrp

To

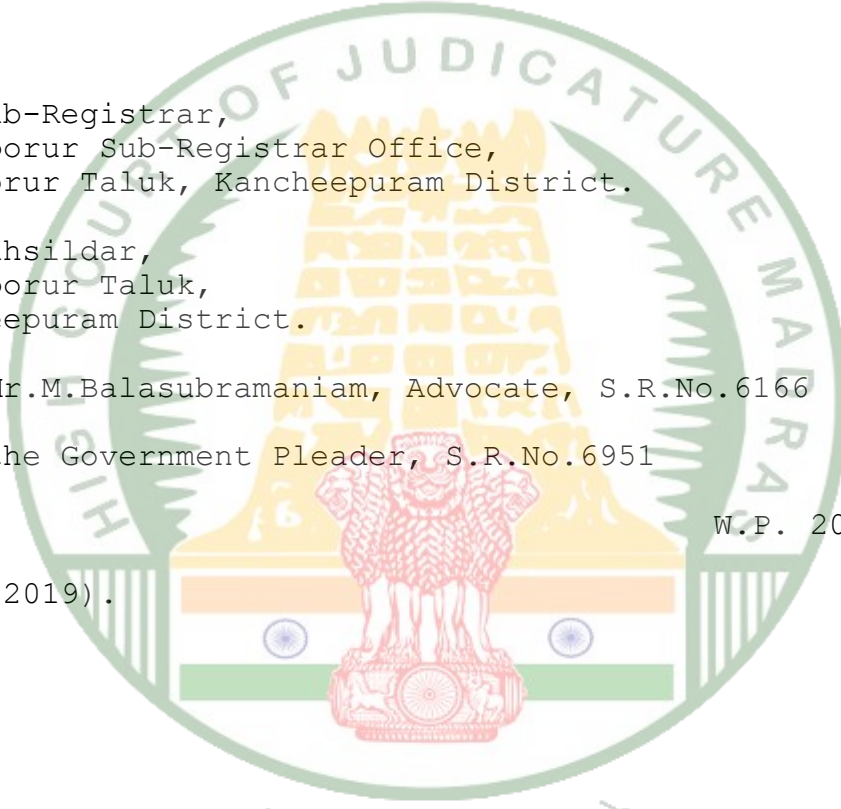
1. The Sub-Registrar,
Thiruporur Sub-Registrar Office,
Thiruorur Taluk, Kancheepuram District.
2. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

+1 cc to Mr.M.Balasubramaniam, Advocate, S.R.No.6166

+1 cc to the Government Pleader, S.R.No.6951

W.P. 20403 of 2014

MP (CO)
SSM(22/03/2019).



सत्यमेव जयते

WEB COPY