



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.33563 OF 2016

AND

W.M.P.NO.28970 OF 2016

1. K.S.Rajendran,
S/o.Shanmugampillai

2. R.Gomathi,
W/o.K.S.Rajendran

... Petitioners

Versus

1. The District Registrar,
Office of the District Registrar,
Gobichettipalayam.

2. The Sub-Registrar,
Office of the District Registrar,
Gobichettipalayam.

3. P.Rajendhiran,
S/o. Palanisamy Nadar

4. K.S.Shanmugamoorthy,
S/o.Subramaniam

5. Gayathri,
D/o.Kandhasamy

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order dated 04.03.2015 bearing Na.Ka.No.3915/AA1/2013 passed by the 1st respondent herein and quash the same and for any other relief.



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For Petitioners : Mr.I.Abrar Md. Abdullah

For Respondents : Mr.P.Baladhandayutham,
Special Government Pleader
For R1 & R2

Mr.Va.Vu.Si.Vazhakagam
For R3

O R D E R

Challenging the order passed by the 1st respondent District Registrar initiating action under Sec.83 of Registration Act, the present Writ Petition has been filed.

2. Based on the complaint given by respondents 3 and 4, the 1st respondent District Registrar initiated the proceedings under Sec.83 of Registration Act. After conducting enquiry and recording statement of parties, the 1st respondent passed the impugned order initiating action under Sec.83 of Registration Act. On perusal of the order, it could be seen that, after recording statements of all the parties, the 1st respondent passed the impugned order without assigning any reason whatsoever. It is settled law that, the reason is an heart throb of an order. In absence of any reason, the parties would not be in a position to take it on appeal and as the impugned order does not reflect any reason for arriving at a conclusion, it cannot be sustained.

3. Considering the above facts and circumstances, without going into the merit of the case, the impugned order dated 04.03.2015 passed by the 1st respondent is set aside and the matter is remanded back to the 1st respondent. The 1st respondent is directed to conduct fresh enquiry after giving opportunity to the parties concerned and pass a reasoned order. The said exercise should be completed within a period of six months from the date of receipt of copy of this order. In the result, this Writ Petition is allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp



To

1. The District Registrar,
Office of the District Registrar,
Gobichettipalayam.

2. The Sub-Registrar,
Office of the District Registrar,
Gobichettipalayam.

+1cc to Mr.I.Abrar Md. Abdullah, Advocate, S.R.No.26495

+1cc to Mr.Va.Vu.Si.Vazhakagam, Advocate, S.R.No.26726

+1cc to the Government Pleader, S.R.No.27316

W.P.NO.33563 OF 2016

CA(CO)
PBS/25/05/2022