



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.2000 of 2022

M.Maria Arokia Agustin

... Petitioner

Vs

1.The District Registrar,
(Administration),
Cheranmahadevi Region,
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
Vicramasingapuram Sub-Registrar Office,
Vicramasingapuram,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in RFL/Vicramasingapuram/55/2021, dated 22.12.2021 and quash the same as illegal and consequently to direct the respondent to register the sale deed dated 22.12.2021, presented by the petitioner which was submitted for registration to the 2nd respondent within the period that may be stipulated by this Court.

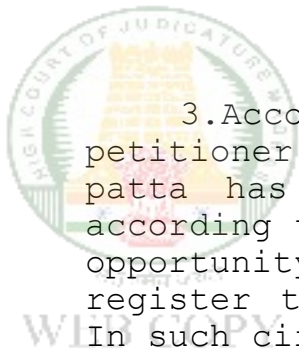
For Petitioner : Mr.A.S.Krishnan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 22.12.2021, under which the sale deed dated 22.12.2021 presented by the petitioner for registration was refused to be registered.

2.According to the petitioner, he is the absolute owner of the property at Vickramasingapuram Village - II, bearing patta No.2112 comprised in S.No.158/2B, measuring an extent of 20 cents. According to the petitioner, he is the seller under the sale deed, dated 22.12.2021 for the said property, which was presented for registration with the second respondent. However, the second respondent refused to register the said sale deed under the impugned order on the ground that there is a discrepancy between the schedule mentioned in the sale deed and the parent title deed.



3. According to the petitioner, ever since 1972, the petitioner's family is in possession of the said property and a patta has also been issued in favour of the petitioner. But according to the petitioner, by non speaking order without affording opportunity to the petitioner, the second respondent has refused to register the sale deed dated 22.12.2021 under the impugned order. In such circumstances, he has filed this writ petition.

4. Heard Mr.A.S.Krishnan, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, appearing for the respondents.

5. The learned Additional Government Pleader for the respondents submitted that there is a discrepancy between the parent document and the schedule mentioned in the sale deed, dated 22.12.2021, which was presented for registration and that is the reason for rejecting the petitioner's request for registration of the sale deed, dated 22.12.2021 under the impugned order. However, it is the contention of the petitioner that he is having a patta in his name and he and his family members are in possession and enjoyment of the property ever since 1972.

6. As seen from the impugned order, it is a non speaking order. The order simply states that the parent document reveals that there is a mistake with regard to the schedule. Excepting for that statement found in the impugned order, the details of documents scrutinized and examined by the second respondent are not mentioned. The contention of the petitioner is that no opportunity of hearing was granted to the petitioner by the second respondent before passing the impugned order. Under the impugned order there is also no reference to any notice having been given to the petitioner. After giving due consideration to the aforementioned factors, this Court is of the view that principles of natural justice has been violated by the second respondent. Hence, the impugned order dated 22.12.2021, passed by the second respondent has to be necessarily quashed and the matter remanded back to the second respondent for fresh consideration.

7. Accordingly, the impugned order dated 22.12.2021, passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent shall pass final orders as to whether the document namely the sale deed dated 22.12.2021, can be registered or not, after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permit him to produce the relevant documentary evidence in support of his case, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the aforesaid directions, this writ petition is allowed.
No costs.

Sd/-

Assistant Registrar (Accounts)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Registrar, (Administration), Cheranmahadevi Region, Cheranmahadevi, Tirunelveli District.
2. The Sub-Registrar, Vicramasingapuram Sub-Registrar Office, Vicramasingapuram, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-6785[F] dated 17/02/2022)

W.P. (MD)No.2000 of 2022

15.02.2022

AP(26.02.2022) 3P 4C