



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.2117 of 2022

and

W.M.P. (MD)Nos.1824, 1825 and 3859 of 2022

J.Shanthi Devi

... Petitioner

vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinampakkam,
Chennai - 600 028.

2.The District Registrar (Administration),
Madurai South, Madurai.

3.N.Rajkumar,
District Registrar (Administration),
Madurai South, Madurai.

4.The Joint Sub Registrar,
Madurai South, Madurai.

5.A.Adhivalavan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.5949/Aa2/2021, dated 12.01.2022 on the file of the second respondent and quash the same as illegal, ultravires and against the principles of natural justice and to direct the respondents to pay the damages to the petitioner.

For Petitioner :Mr.S.Manohar

For R1, R2 and R4 :Mr.S.Shanmugavel
Additional Government Pleader

For R5 :Mr.G.Prabhu Rajadurai



O R D E R

This Writ Petition has been filed challenging the impugned order dated 12.01.2022 passed by the second respondent cancelling the documents registered in favour of the petitioner.

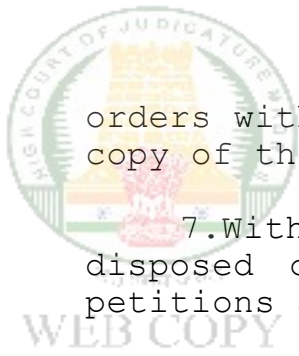
2.The petitioner has filed this Writ Petition on the ground of violation of principles of natural justice as well as on the ground of total non application of mind by the second respondent, the impugned order has been passed. Under the impugned order, dated 12.01.2022, Doc.No.3528 of 1958 and Doc.No.1955/1977 have been ordered to be cancelled on the ground that they are forged documents. The petitioner has questioned the *locus standi* of the first respondent to lodge a complaint and has also disputed the contentions raised by the fifth respondent. According to the petitioner, both the documents are valid documents. In such circumstances, this Writ Petition has been filed.

3.Heard Mr.S.Manohar, learned Counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader for R1, R2 and R4 and Mr.G.Prabhu Rajadurai, learned Counsel for the fifth respondent.

4.As seen from the impugned order, dated 12.01.2022, no opportunity of hearing was granted to the petitioner. The second respondent has cancelled the documents pertaining to the year 1958 and 1977. The petitioner claims ownership by virtue of the document registered as Doc.No.1955/1977. The parent title deed to the said document is Doc.No.3528 of 1958. The petitioner claims that she is a *bona fide* purchaser and there is no question of forgery as alleged by the fifth respondent.

5.The contention of the petitioner has not been considered by the second respondent, as no opportunity of hearing was granted to her by the second respondent. By a non speaking order, the impugned order has been passed by the second respondent. Hence, the impugned order, dated 12.01.2022 passed by the second respondent has to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting her the right of personal hearing within a time frame to be fixed by this Court.

6.Accordingly, the impugned order passed by the second respondent, dated 12.01.2022 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits in accordance with law after affording a fair hearing to the petitioner and the fifth respondent and any other necessary party whom the second respondent deems fit to enquire and pass final



orders within a period of four months from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

cmr

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Pattinampakkam,
Chennai - 600 028.

2. The District Registrar (Administration),
Madurai South, Madurai.

3. The Joint Sub Registrar,
Madurai South, Madurai.

+1 CC to M/s.SPL GP (SR-14832[F] dated 28/03/2022)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-14964[F] dated 28/03/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-15148[F] dated 29/03/2022)

Order made in
W.P. (MD) No.2117 of 2022
25.03.2022

SP (CO)
KP (01.04.2022) 3P 7C