



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3097 of 2022

A.Abdul Jaleel

.. Petitioner

Vs.

1.The District Registrar,
Office of District Registrar,
Tenkasi District.

2.The Joint Sub-Registrar No.I,
Tenkasi Joint Sub-Registrar No.I Office,
Tenkasi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent's Impugned Refusal Check Slip Refusal Number - RFL/1/ No Joint Sub-Registrar, Tenkasi 79/2021 dated 23.12.2021, consequential Impugned order of the 1st respondent's in Na.Ka.No. 8671/A1/2021 dated 19.01.2022 and quash the same as devoid of merits and direct the 2nd respondent to register the Sale Deed dated 23.12.2021 executed by the M. Basheer Ahammed in favour of the petitioner in respect of the properties in Survey No. 309B/1B an extent of 75 Cents in Aayirampaeri Village, Tenkasi District, within the period stipulated by this Court.

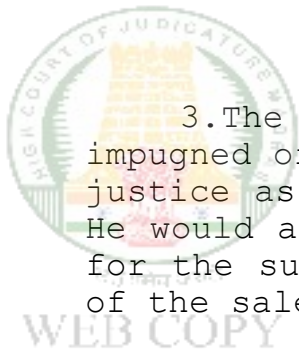
For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.Shanmugavel for R1 and R2
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip, dated 23.12.2021, issued by the second respondent and consequential order passed by the first respondent dated 19.01.2022. Under the impugned order dated 23.12.2021 and the consequential order dated 19.01.2022, the sale deed presented for registration by the petitioner has been refused to be registered on the ground that the second respondent is having a doubt with regard to the tile of the petitioner over the subject property.

2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2.



3.The learned counsel for the petitioner submits that the impugned order has been passed in violation of principles of natural justice as no opportunity of hearing was granted to the petitioner. He would also submit that despite having patta in the vendor's name for the subject property, the respondents have refused registration of the sale deed.

4.As seen from the impugned order, it is a one line order and is a non speaking order. Except for stating that there is a doubt with regard to the title of the petitioner, no reasons have been given for rejecting the petitioner's document for registration. The documents scrutinized by the second respondent for coming to the conclusion has also not been disclosed in the impugned order. No opportunity of hearing has also been granted to the petitioner before passing the impugned order. The second respondent has passed the impugned order dated 23.12.2021 and the first respondent has also confirmed the same. Both the orders have been challenged by the petitioner in this writ petition.

5.After giving due consideration to the aforementioned factors, this Court is of the considered view that principles of natural justice has been violated as no opportunity of hearing has been granted to the petitioner before rejecting the sale deed presented by him for registration, that too when the petitioner claims that patta is standing in the name of the petitioner's vendor. It is also categorically asserted as seen from the recitals in the sale deed, which was presented for registration that the seller is the absolute owner of the property.

6.This Court is of the considered view that opportunity of hearing ought to have been given to the petitioner before rejecting the registration, which has not been done so in the instant case excepting for stating in a one line order that there is a doubt with regard to the title of the seller, no other reason has been given and the details of the documents scrutinized by the second respondent has also not been disclosed. Hence, the impugned orders dated 23.12.2021 passed by the second respondent and the order dated 19.01.2022 confirming the order of the second respondent dated 23.12.2021 has to be necessarily quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner as well as any other rival claimant if any.

7.Accordingly the impugned orders dated 23.12.2021, passed by the second respondent and the consequential order dated 19.01.2022 passed by the first respondent are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law and the second respondent shall pass final orders after affording a fair hearing to the petitioner including granting him the right of personal hearing and if required



period of twelve weeks from the date of receipt of a copy of this order.

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

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// 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,
Office of District Registrar,
Tenkasi District.
2. The Joint Sub-Registrar No.I,
Tenkasi Joint Sub-Registrar No.I Office,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-7088[F] dated 18/02/2022)

W.P. (MD)No.3097 of 2022

17.02.2022

RK(03/03/2022) 3P 4C