



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.3093 of 2022

K.S.Muthukaruppaiya

.. Petitioner

Vs.

1.The District Registrar,
Office of District Registrar,
Karaikudi,
Sivagangai District.

2.The Sub-Registrar,
Office of Sub-Registrar,
Aranthangi,
Pudukottai District.

3.S.Muthaiya

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 2nd respondent through refusal check slip in Refusal Number:RFL/Aranthangi/1/2022 dated 28.01.2022 and quash the same as illegal, consequently directing the 2nd respondent to register the sale deed presented by the petitioner on 28.01.2022 in respect of the property comprised in Survey No.228/3B2, to an extent of 5616 sq. feet, situated at Thirupperunthurai Village, Aavudaiyarkovil Taluk, Pudukottai District.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.J.John Rajadurai for R1 and R2
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent through the refusal check slip dated 28.01.2022, refusing registration of the sale deed presented by the petitioner for registration, which is the subject property comprised in Survey No.228/3B2, to an extent of 5616 sq. feet, situated at Thirupperunthurai Village, Aavudaiyarkovil Taluk, Pudukottai District.



2.It is the case of the petitioner that he is entitled to get the sale deed registered for the aforementioned survey number. But based on a legal notice sent by the third respondent for survey number 228/3, the impugned refusal check slip dated 28.01.2022, has been issued by the second respondent. According to him, the legal notice issued by the third respondent pertains to a different survey number namely S.No.228/3, whereas the sale deed which the petitioner presented for registration pertains to survey No.228/3B2. Therefore, according to him, without giving any opportunity to the petitioner arbitrarily and illegally, the impugned refusal check slip dated 28.01.2022 has been issued. In such circumstances, he has challenged the impugned refusal check slip dated 28.01.2022.

3.Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2.

4.As seen from the impugned refusal check slip dated 28.01.2022 issued by the second respondent, no reasons have been given for rejecting the petitioner's request for registration of the sale deed for the survey number 228/3B2. In fact as seen from the impugned order survey number 228/3 is mentioned in ink, which is not the survey number mentioned in the sale deed presented for registration by the petitioner. The survey number mentioned in the said sale deed is S.No.228/3B2. Excepting for disclosing that a legal notice was issued by the third respondent requesting the Registration Department not to register documents pertaining to S.No.228/3, in the impugned order the documents scrutinizing by the second respondent for rejecting the petitioner's request for registration of his sale deed pertaining to S.No.228/3B2 has not been disclosed.

5.The impugned order is a non speaking order and therefore, necessarily the same will have to be quashed and the matter 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 the third respondent.

6.For the forgoing reasons, the impugned refusal check slip dated 28.01.2022, issued by the second respondent, under which the petitioner's request for registration of his sale deed pertaining to S.No.228/3B2 is hereby quashed and the matter remanded back to the second respondent for fresh consideration on merits and in accordance with law and the second respondent after giving a fair hearing to the petitioner and the third respondent shall pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-I)

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,
Office of District Registrar,
Karaikudi,
Sivagangai District.

2. The Sub-Registrar,
Office of Sub-Registrar,
Aranthangi,
Pudukottai District.

+1 CC to M/s.SPL GP (SR-7146[F] dated 18/02/2022)

W.P. (MD)No.3093 of 2022

17.02.2022

CK(CO)

GC(08.03.2022) 3P 4C