



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3337 of 2022

K.K.Eswaran

... Petitioner

/Vs./

The Joint Sub Registrar No.1,
Virudhunagar.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent of the Refusal Check Slip dated 26.08.2021 in Refusal No.RFL/1, Joint Sub Registrar, Virudhunagar/3/2021 and quash the same and thereby direct the respondent to receive and register the settlement deed 26.08.2021 executed by the petitioner in favour of the petitioner's daughter in respect of the properties covered in S.No.584/2A, New S.No.584/2A1A1 Plot No.4-3492 ½ sq.ft, Patta No.2662, in Ondipulinayakanur Village, Virudhunagar Taluk and District thereby release the document to the petitioner.

For Petitioner : Mr.S.Vinayak
For Mr.N.Suresh

For Respondent : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the refusal check slip dated 26.08.2021 issued by the respondent, under which the settlement deed presented for registration by the petitioner was refused to be registered. The petitioner challenges the impugned refusal check slip on the ground of violation of principles of natural justice that by non-speaking order, the impugned refusal check slip dated 26.08.2021 has been issued by the respondent, rejecting the petitioner's request for registration of the settlement deed, which is presented for registration.

2.The learned counsel appearing for the petitioner drew the attention of this Court to the impugned refusal check slip and would submit that by a non-speaking order, the impugned refusal check slip has been issued. He would also submit that the original documents



have been lost and paper publication has also been effected with regard to the same and the petitioner had also submitted certified copies of the sale deeds in place of the originals, but despite the same, the respondent has refused to register the settlement deed.

3. However, according to the learned Additional Government Pleader appearing for the respondent, the respondent has rightly rejected the registration of the settlement deed on the ground that the original parent title deeds were not produced by the petitioner.

4. As seen from the impugned refusal check slip, no proper reasons have been given for refusal to register the settlement deed presented by the petitioner for registration, except stating that the original parent title deeds were not produced by the petitioner at the time of registration.

5. It is the case of the petitioner that he has produced certified copies of the parent title deeds before the registering authority and it is his case that the originals have been lost and paper publication has also been effected with regard to the same. However, in the impugned refusal check slip, the contention of the petitioner has not been considered. It is the further case of the petitioner that when the originals are lost, there is no necessity to produce the originals and further being public documents, the respondent ought not to have refused to register the settlement deed.

6. The aforementioned factors, having not been considered in the impugned refusal check slip, but by a non speaking order, only on the ground that all the originals have not been produced by the petitioner, the respondent has refused to register the settlement deed presented by the petitioner for registration.

7. No opportunity of hearing was also granted to the petitioner as seen from the impugned refusal check slip. Therefore, this Court is of the considered view that the principles of natural justice have been violated by the respondent and the impugned refusal check slip dated 26.08.2021 issued by the respondent has to be necessarily quashed and the matter is to be remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner.

8. For the foregoing reasons, the impugned refusal check slip dated 26.08.2021 is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner. The respondent shall pass orders within a period of four (4) weeks from the date of receipt of a copy of this order and the petitioner shall produce all the requisite documents in support of his case before the respondent.



9. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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

The Joint Sub Registrar No.1,
Virudhunagar.

+1 CC to M/s.N.SURESH, Advocate (SR-7898[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-8039[F] dated 23/02/2022)

ORDER MADE IN

W.P. [MD]No.3337 of 2022

22.02.2022

PKP/08.03.2022/3P/4C