



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3395 of 2022

and

W.M.P.[MD]No.2980 of 2022

WEB COPY

N.Manimekalai

... Petitioner

/Vs./

1.The District Registrar,
O/o.District Registrar,
Integrated Complex,
Jeyamkondam Road,
Ariyalur District.

2.The Sub Registrar,
O/o.Sub Registrar,
Uppiliyapuram,
Thuraiyur Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings Nil dated Nil (received by the petitioner on 24.09.2021) and quash the same as illegal insofar as returning the documents in No.P-7/2012 and P-11/2012 on the file of the 2nd respondent's office to the petitioner is concerned and consequentially to direct the 2nd respondent to register the pending documents No.P-7/2012 and P-11/2012 to be presented by the petitioner and to return the documents to the petitioner rafter registration of the documents within the time that may be stipulated by this Court.

For Petitioner

: Mr.MMohammed Imran
for M/s.Ajmal Associates

For Respondents

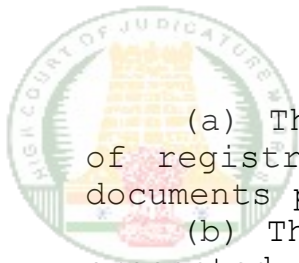
: Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 24.09.2021 passed by the second respondent returning the documents presented by the petitioner for registration.

2.The petitioner has challenged the impugned order on the following grounds:

<https://hcservices.ecourts.gov.in/hcservices/>



(a) The second respondent has not issued any slip for refusal of registration and no reasons have been given for returning the documents presented by the petitioner for registration;

(b) The respondents ought to have seen that the documents were presented for registration in the year 2012 itself. No reasons have been given by the second respondent under the impugned order for such an inordinate delay in returning the documents back to the petitioner;

(c) The second respondent having returned the documents after five years from the date of presentation of the documents for registration is bad in law, since the documents are deemed to be registered, if it is kept pending for more than five years as per Section 47-A of the Indian Stamp Act, 1899;

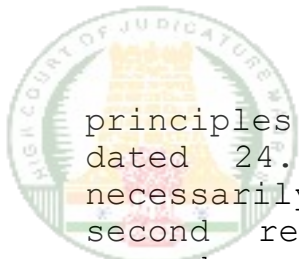
(d) The principles of natural justice have been violated for not affording a fair hearing to the petitioner before passing the impugned order returning the documents presented by the petitioner for registration.

3.The learned counsel appearing for the petitioner drew the attention of this Court to the impugned order. As seen from the impugned order, dated 24.09.2021, the second respondent, by a non-speaking order, has returned the documents presented by the petitioner for registration back to the petitioner. The said documents were presented for registration in the year 2012, as seen from the impugned order.

4.The petitioner has raised the aforementioned grounds for challenging the impugned order. None of the grounds raised by the petitioner have been considered by the second respondent. If the petitioner was granted an opportunity of hearing, she would have been able to submit explanation with regard to her contention that the documents are deemed to have been registered for the inordinate delay in returning the documents under the impugned order. This opportunity has not been given to the petitioner, as seen from the impugned order dated 24.09.2021.

5.Therefore, this Court is of the considered view that the principles of natural justice have been violated by the respondents before passing the impugned order. It is contended by the learned Additional Government Pleader appearing for the respondents, on instructions, that a statutory appeal has been filed by the petitioner, aggrieved by the order dated 24.09.2021, which is being challenged in this writ petition. The same is disputed by the learned counsel appearing for the petitioner and he would submit that it was only a representation and not a statutory appeal.

6.When the same is disputed and that too when there is no opportunity of hearing given to the petitioner, this Court presumes that no statutory appeal has been filed by the petitioner aggrieved by the impugned order passed by the second respondent. Since the



principles of natural justice have been violated, the impugned order dated 24.09.2021 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.

7. For the foregoing reasons, the impugned order dated 24.09.2021 passed by the second respondent is hereby 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. The petitioner is permitted to submit explanation with regard to her contentions that have been raised in this writ petition and the second respondent, while passing final orders, shall consider the same on merits and in accordance with law, after affording a personal hearing to the petitioner.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

sm

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,
O/o. District Registrar,
Integrated Complex,
Jeyamkondam Road, Ariyalur District.
2. The Sub Registrar,
O/o. Sub Registrar,
Uppiliyapuram,
Thuraiyur Taluk, Trichy District.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-8265[F] dated 24/02/2022)

+1 CC to M/s. SPL GP (SR-8347[F] dated 24/02/2022)

W.P. [MD] No. 3395 of 2022

23.02.2022