



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4446 of 2022

W.M.P. (MD) .No.3750 of 2022

WEB COPY

Sivasamy

... Petitioner

Vs

1.The District Registrar,
Rajakambeeram,
Madurai.

2.The Sub Registrar,
Elumalai,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the 2nd respondent made in Refusal No.RFL/Elumalai/3/2021, dated 27.10.2021 and quash the same as illegal, consequently, direct the 2nd respondent to register the sale deed, dated 18.10.2021, presented for registration on 27.10.2021 executed by the petitioner as a power agent in respect of the property in Survey No.235/4, 7, 10 to 14 with a total extent of 4 acre 63 cents situated at Pappinaickenpatti Village, Peraiyur Taluk, Madurai District, within a time frame.

For Petitioner : Mr.D.Venkatesh

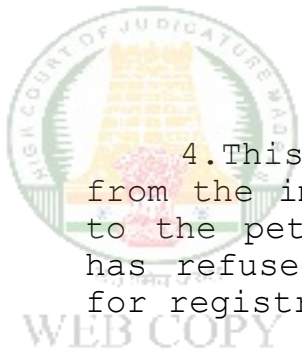
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip, dated 27.10.2021, issued by the second respondent refusing to register the sale deed, dated 18.10.2021, presented by the petitioner for registration on the ground that the subject properties belong to PACL, which is now managed by Justice R.M.Lodha Committee.

2.Heard Mr.D.Venkatesh, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice and also on the ground that by total non application of mind, the impugned order has been passed.



4.This Court perused and examined the impugned order. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. By a non speaking order, the second respondent has refused to register the sale deed presented by the petitioner for registration stating as follows:

"Present the document as per Justice RM LODHA Committee Reference No.JRMLC PACL 4521 15696 1 2019 and District Registrar Admin Na.Ka.No.8236/A1/2016 with committees NOC letter."

5.Since the impugned order is a non speaking order and no opportunity of hearing was granted to the petitioner as seen from the impugned order, this Court is of the considered view that principles of natural justice has been violated. The contentions raised by the petitioner in this writ petition have not been considered under the impugned order. Hence, the impugned refusal check slip dated 27.10.2021, issued 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 him the right of personal hearing and any other necessary parties, whom the second respondent deems fit to enquire and pass final orders, within a time frame to be fixed by this Court.

6.Accordingly, the impugned refusal check slip, dated 27.10.2021, issued 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 and the second respondent is directed to pass final orders, after affording a fair hearing to the petitioner, including granting him the right of personal hearing and any other necessary parties, whom the second respondent deems fit to enquire, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all relevant documents which is in support of his contentions.

7.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Rajakambeeram,
Madurai.

2.The Sub Registrar,
Elumalai,
Madurai District.

W.P. (MD)No.4446 of 2022
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RD(01.04.2022) 3P 3C