



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) No. 4487 of 2022

and

W.M.P. (MD) No. 3777 of 2022

C.Muthukrishnan

... Petitioner

vs.

1. The District Registrar (Administration),
Cheranmahadevi Region, Cheranmahadevi,
Tirunelveli District.

2. The Sub Registrar,
Kalakad Sub Registrar Office, Kalakad,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in RFL/Kalakad/1/2022 dated 20.01.2022 and quash the same as illegal and consequently, to direct the respondents to register the sale deed dated 20.01.2022 presented by the petitioner which was submitted for registration to the second respondent within a period that may be stipulated by this Court.

For Petitioner : Mr.A.S.Krishnan, Advocate

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order, dated 20.01.2022 passed by the second respondent refusing to register the settlement deed presented by the petitioner for registration on the ground that the petitioner has not produced the legal heir certificate of his deceased father.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and according to him, despite the production of legal heirship certificate, the second respondent under the impugned order, by total non application of mind and by violating the principles of natural

justice, has refused to register the settlement deed presented by the petitioner for registration.

3. Heard Mr.A.S.Krishnan, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Special Government Pleader, who takes notice on behalf of the respondents.

4. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. The petitioner has presented a settlement deed for registration, which has been refused to be registered on the ground that the petitioner has not produced the legal heirship certificate of his deceased father. Under the settlement deed, the petitioner is desirous of settling the property in favour of his wife.

5. The learned Counsel for the petitioner, on instructions, would submit that even though the petitioner has produced the legal heirship certificate of the petitioner's late father, the same has not been considered and by total non application of mind, the refusal order has been issued stating that the petitioner has not produced the said legal heirship certificate. Since the petitioner was not afforded any hearing by the respondents before passing the impugned order and the petitioner is also ready and willing to produce the legal heirship certificate, the impugned order 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 by affording a fair hearing to the petitioner.

6. For the foregoing reasons, the impugned order, dated 20.01.2022 passed by the second respondent refusing to register the settlement deed presented by the petitioner for registration 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 and also by permitting the petitioner to produce necessary documents in support of his case and 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

cmr

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To

1. The District Registrar (Administration),
Cheranmahadevi Region, Cheranmahadevi,
Tirunelveli District.

2. The Sub Registrar,
Kalakad Sub Registrar Office, Kalakad,
Tirunelveli District.

+1 CC to M/s.SPL Government Pleader
(SR-12147[F] dated 15/03/2022)

Order made in
W.P. (MD) No.4487 of 2022
and
W.M.P. (MD) No.3777 of 2022
14.03.2022

SP/24/03/2022/3P/4C