



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4502 of 2022

and

W.M.P. (MD)Nos.3786 and 3787 of 2022

Humayun Kabeer

... Petitioner

vs.

The Sub Registrar (Registration),
Kayalpattinam, Thoothukudi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records relating to the impugned refusal slip in R.F.L/Kayalpattinam/15/2022 dated 14.02.2022 and quash the same as illegal and consequently, to direct the respondent to register the sale deed dated 14.02.2022 presented by the petitioner for registration within a time that may be stipulated by this Court.

For Petitioner	:Mr.M.Mahaboob Athiff
For Respondent	:Mr.J.John Rajadurai Government Advocate

O R D E R

This Writ Petition has been filed challenging the order, dated 14.02.2022 passed by the respondent refusing to register the sale deed presented by the petitioner for registration on the ground that the parent document is an unregistered document.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice as well as on the ground that by total non application of mind, the respondent has refused to register the sale deed presented by the petitioner for registration. According to the petitioner, the unregistered document is a family arrangement, which is legally valid. It is his further contention that the respondent cannot go into the title.

3.As seen from the impugned order, no opportunity of hearing was granted to the petitioner. It is the contention of the petitioner that by virtue of the family arrangement, the petitioner became the absolute owner of the property and therefore, the sale deed produced by him for registration ought to have been registered.



Unless and until, an opportunity of hearing is granted to the petitioner by the respondent, the petitioner's contention cannot be decided on merits and in accordance with law.

4.Further, as seen from the impugned order, it is a non speaking order. Hence, both on the ground of violation of principles of natural justice as well as by total non application of mind to the contention of the petitioner that the parent document though being unregistered, but is a legally valid document, the impugned order, dated 14.02.2022 refusing to register the sale deed presented by the petitioner for registration has to be necessarily quashed and the matter has 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.

5.In the result, the impugned order, dated 14.02.2022, passed by the respondent 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 and also granting him the right of personal hearing and also permitting him to file documents in support of his case. The respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order. If the respondent comes to a conclusion that the sale deed can be registered, the respondent is directed to register the same, if it is otherwise in order.

6.With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To
The Sub Registrar (Registration),
Kayalpattinam, Thoothukudi District.

+1 CC to M/s.MAHABOOB ATHIFF.M,Advocate (SR-12055[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12200[F] dated 15/03/2022)

Order made in
W.P. (MD)No.4502 of 2022
14.03.2022

CMR

MS/23.03.2022/2P.4C

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