



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4807 of 2022

and

W.M.P. [MD]Nos.3982 & 3983 of 2022

WEB COPY

M.Barath

... Petitioner

Vs.

The Sub Registrar,
Office of Sub Registrar,
Thuraiyur,
Trichy.

... 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 refusal check slip of RFL/Thuraiyur/22/2022 dated 02.02.2022 issued by the respondent, quash the same and consequently direct the respondent herein to register the sale deed dated 02.02.2022 presented for registration in respect of survey No.176/3 measuring 0.79.5 Acres and Survey No.175/1B2 measuring 1.91.0 Hec.s. Situated in Murugur Village, Thuraiyur, Trichy District.

For Petitioner : Mr.C.Padmaraj

For Respondent : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the refusal check slip dated 02.02.2022 issued by the respondent under which the respondent has refused to register the sale agreement presented by the petitioner for registration on the ground that there are litigations pending over the property and a criminal case is also pending.

2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice. He has stated that without affording any opportunity of hearing, the impugned order has been passed. It is also the contention of the petitioner that he is the absolute owner of the aforementioned property and the reasons for refusing to register the sale agreement presented by the petitioner for registration is incorrect. He would submit that unless an opportunity of hearing was granted, such an order would not have been passed.

3.This Court has perused and examined the impugned order. As seen from the impugned order, no opportunity has been granted to the



petitioner before passing the impugned order. The impugned order refers to various litigations over the subject property and a criminal case pending over the subject property. Unless and until the petitioner was heard, the order cannot be sustained. Hence, this Court is of the considered view, in view of the fact that no opportunity of hearing was granted to the petitioner, the impugned order 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.

4. In the result, the impugned order dated 02.02.2022 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. The respondent shall pass final orders after affording a fair hearing to the petitioner including granting him the right of personal hearing and permitting him to produce all the necessary documents in support of his contentions and also any other necessary party whom the respondent deems fit to enquire. The respondent is directed to pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

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 Sub Registrar,
Office of Sub Registrar,
Thuraiyur, Trichy.

+1 CC to M/s.C.PADMARAJ, Advocate (SR-13110[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13199[F] dated 21/03/2022)

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