



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5186 of 2022

S.Mariyappan

... Petitioner

Vs.

1.The District Registrar,  
Palani,  
Dindigul District.

2.The Sub-Registrar,  
Gujiliyamparai Sub Registrar Office,  
Gujiliyamparai,  
Dindigul District.

3.K.Dhamodharan

... 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 pertaining to the Refusal check slip order passed by the second respondent in his proceedings Refusal No.RFL/Gujiliyamparai/19/2022 dated 09.03.2022 and quash the same and further direct the second respondent to restore and register the settlement deed with regard to property in Survey No.188/26D, 188/26F, 188/26A and 188/26E situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents 1&2 : Mr.S.Shanmugavel

Additional Government Pleader

### O R D E R

This Writ Petition has been filed challenging the impugned refusal check slip dated 09.03.2022 issued by the second respondent refusing to register the settlement deed presented by the petitioner for registration on the ground that the petitioner is not having the patta in the name of his mother and the third respondent has mortgaged a part of the property with the bank.

2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice as the second respondent has failed to see that the second respondent cannot go behind the decree of the Civil Court and as per the Civil Court decree, the mother of the petitioner is the owner of the property and therefore, she has got the right to execute a settlement deed in favour of the petitioner. According to the



petitioner, there is no necessity to produce patta and the Civil Court decree would suffice. It is the contention of the petitioner that by total non-application of mind, the impugned order has been passed.

3. Heard Mr.G.Gomathi Sankar, learned Counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

4. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. The mother of the petitioner traces her title to the subject property by virtue of the Civil Court decree. The document presented for registration is a settlement deed executed by the petitioner's mother in favour of the petitioner. The contention of the petitioner is that since he is having a Civil Court decree, there is no necessity for patta. However, under the impugned refusal check slip, since the petitioner did not produce the patta, the settlement deed presented for registration has been refused to be registered and no opportunity of hearing was granted to the petitioner and no reasons have been given under the impugned order as to why the contentions of the petitioner has been rejected. By a non-speaking order, the impugned order has been passed.

5. For the foregoing reasons, the impugned order dated 09.03.2022 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 including granting him the right of personal hearing and any other necessary party whom the second respondent deems fit to enquire and also permitting the petitioner to produce necessary documents in support of his contentions and the second respondent shall pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



To

1.The District Registrar,  
Palani,  
Dindigul District.

2.The Sub-Registrar,  
Gujiliyamparai Sub Registrar Office,  
Gujiliyamparai,  
Dindigul District.

+1 CC to M/s.SPL GP ( SR-14523[F] dated 25/03/2022 )

+1 CC to M/s.G.GOMATHI SANKAR, Advocate ( SR-14149[F] dated  
24/03/2022 )

W.P.[MD]No.5186 of 2022  
24.03.2022

NSN(CO)  
KB(05.04.2022) 3P 5C