



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5008 of 2022

and

W.M.P. [MD]Nos.4108, 4110 & 4112 of 2022

WEB COPY

B.Naganathan

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

3.The District Registrar (Admn),
Office of the Registration,
Ramanathapuram District.

4.The Sub Registrar,
Bogalur Registration Office,
Ramanathapuram District.

5.Pitchai @ Kuppusamy

6.A.Indirani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent vide his proceedings in O.Mu.No.4652/Aa.1/2021 dated 29.12.2021 and quash the same as illegal and consequently direct the third respondent to cancel the sale deed executed by the fifth respondent in favour of the sixth respondent on the file of the fourth respondent.

For Petitioner : Mr.D.Senthil

For Respondents 1 to 4 : Mr.S.Shanmugavel

Additional Government Pleader



O R D E R

This Writ Petition has been filed challenging the order dated 29.12.2021 passed by the third respondent rejecting the petitioner's application seeking for cancellation of the sale deed standing in the name of the sixth respondent.

2. Heard Mr.D.Senthil, learned Counsel appearing for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

3. According to the petitioner, the subject property involved in the subject sale deed which requires to be cancelled falls in a pond. However, the said contention has been rejected under the impugned order. However, as seen from the impugned order, it is a non-speaking order except for stating that all the documents produced by the petitioner have been examined, no specific reasons have been given for rejecting the petitioner's documents. The petitioner has produced the following documents before this Court in support of his contention that the property involved in the sale deed dated 30.11.2021 under which the sixth respondent has become the owner is an Oorani property:

- a) Copy of the sale deed dated 25.02.2002 in favour of the petitioner.
- b) Copy of the revenue records to show that the subject property under the sale deed dated 30.11.2021 is a Oorani property.
- c) Copy of the complaint lodged by the petitioner and the acknowledgment given by the respondents.
- d) Copy of the sale deed dated 30.11.2021 standing in the name of the sixth respondent which the petitioner seeks for cancellation.
- e) Copy of the representation given by the petitioner on 01.12.2021.

4. It is submitted by the learned Additional Government Pleader for the official respondents on instructions that the subject property is a 'Grama Natham' property and has not been classified as an 'Oorani' as claimed by the petitioner. The said statement is recorded.

5. Under the impugned order no reasons have been given by the third respondent for rejecting the documents produced by the petitioner referred to supra. Excepting for making a bald statement that the third respondent has examined the documents produced by the petitioner, the third respondent has not given reasons as to why they have rejected the copy of the revenue records submitted by the petitioner in support of his contentions that the subject land is an Oorani.



6.This Court is of the considered view that the impugned order is a non-speaking order and further no personal hearing was also afforded to the petitioner. Therefore, this Court is of the considered view that principles of natural justice has been violated by the respondents. The petitioner has also produced photographs pertaining to the construction being put up by the sixth respondent in the subject property. Therefore, final orders will have to be passed by the third respondent expeditiously after the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law.

7.For the foregoing reasons, the impugned order dated 29.12.2021 passed by the third respondent is hereby quashed and the matter is remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and the fifth and sixth respondents and any other necessary party whom the third respondent deems fit to enquire and also grant them the right of personal hearing within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Records)

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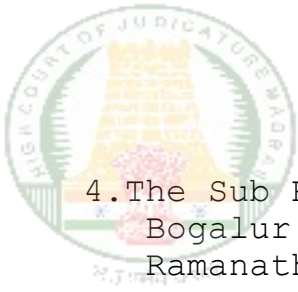
/ /2022

Sub Assistant Registrar(CS)

MR

To

- 1.The District Collector,
Office of the Collectorate,
Ramanathapuram District.
- 2.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.
- 3.The District Registrar (Admn),
Office of the Registration,
Ramanathapuram District.



4.The Sub Registrar,
Bogalur Registration Office,
Ramanathapuram District.

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+1 CC to M/s.SPL GP (SR-13884[F] dated 23/03/2022)

ORDER MADE IN
W.P. [MD]No.5008 of 2022
22.03.2022

ma (CO)
TR(23.03.2022) 4P 6C