



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5090 of 2022

and

W.M.P.[MD]No.4152 of 2022

WEB COPY

J.Malathy

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Trichy.

2.The Revenue Divisional Officer,
Musiri,
Trichy District.

3.The Tahsildar,
Taluk Office,
Thuraiyur,
Trichy District.

4.The Sub-Registrar,
Sub-Registrar Office,
Thuraiyur,
Trichy District.

5.The Managing Director,
TAHDCO
(Tamil Nadu Adi Dravidar Housing Development Corporation),
RM3G, 4G3 Contonment,
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 order of Refusal RFL/Thuraiyur/Book 2/1 dated 11.03.2022 passed by the fourth respondent and quash the same as illegal and consequently direct the fourth respondent to register the document dated 10.12.2021 which is numbered P40/2021 within a period that may be stipulated by this Court.

For Petitioner : Mr.N.Mohan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader



O R D E R

This writ petition has been filed challenging the impugned refusal slip dated 11.03.2022 issued by the fourth respondent refusing to register the sale deed presented by the petitioner for registration on the ground that the petitioner will have to obtain no objection certificate from TAHDCO.

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 a total non-application of mind the impugned order has been passed. According to the petitioner, there is no nexus between the registration department and the TAHDCO.

3.Heard Mr.N.Mohan, learned Counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the respondents.

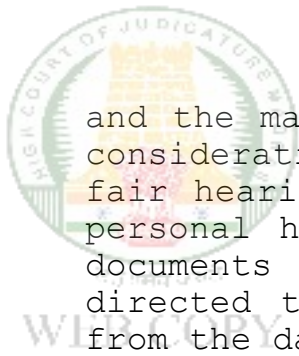
4.On instructions, learned Additional Government Pleader appearing for the respondents would submit that being Panchami lands, the registration department has rightly refused to register the sale deed presented by the petitioner for registration. The said statement is recorded.

5.As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. By a non-speaking order, the sale deed presented by the petitioner for registration has been refused to be registered by the fourth respondent.

6.Learned Counsel for the petitioner also contends that the fourth respondent does not have authority to refuse registration of the sale deed presented by the petitioner for registration. Unless and until the petitioner was given an opportunity of hearing, his contentions that have been raised in this writ petition cannot be considered by the fourth respondent. Admittedly, without affording any opportunity of hearing to the petitioner, the impugned order has been passed and it is a non-speaking order.

7.This Court is of the considered view that by violation of principles of natural justice, the impugned order has been passed. Hence, the impugned order dated 11.03.2022 passed by the fourth respondent has to be necessarily quashed and the matter has to be remanded back to the fourth 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 also permitting him to produce the necessary documents in support of his contentions that the sale deed can be registered.

8.For the foregoing reasons, the impugned refusal check slip dated 11.03.2022 issued by the fourth respondent is hereby quashed



and the matter is remanded back to the fourth 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 also permit him to produce all the necessary documents in support of his contentions. The fourth respondent is directed to pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

To

1. The District Collector,
Collectorate, Trichy.
2. The Revenue Divisional Officer,
Musiri, Trichy District.
3. The Tahsildar,
Taluk Office,
Thuraiyur, Trichy District.
4. The Sub-Registrar,
Sub-Registrar Office,
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5. The Managing Director,
TAHDCO
(Tamil Nadu Adi Dravidar Housing Development Corporation) ,
RM3G, 4G3 Contonment,
Trichy.

+1 CC to M/s.SPL GP (SR-14230[F] dated 24/03/2022)

W.P. [MD]No.5090 of 2022

23.03.2022

RK(04/04/2022) 3P 7C