



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5456 of 2022

and

W.M.P. (MD)No.4419 of 2022

S.Siranjeevi Rathnakumar

... Petitioner

vs.

1.The Inspector General of Registration,
Santhom High Road, Chennai - 28.

2.The District Registrar,
Thenkasi District, Thenkasi.

3.The Sub Registrar,
Sub Registrar Office,
Sankarankovil, Thenkasi District.

... 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 of the 3rd respondent in Refusal Check Slip in RFL/Sankarankovil/1/2022 dated 15.02.2022 and to quash the same and consequently direct the Respondents not to curtail the petitioner's right to register any documents in respect of the properties in Survey Numbers 557/1, 557/2, 57/3, 557/4, 557/5, 557/6, 557/2, 557/8, 557/2, 557/9, 557/10, 557/12, 557/14, 557/2, 557/15 and 557/39 to the total extent of 2.48.5 Hectares which is covered under patta numbers 1941, 2144, 2177 and 2099 which were comes by way of Thana Settlement deed executed by the petitioner's father, Mr.R.Sankaranarayanan in Document No.2143/2016, dated 18.03.2016 and the Exchange deed in Doc.No.1372/2017, dated 10.08.2017.

For Petitioner :Mrs.J.Balameenakshi

For Respondents :Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip, dated 15.02.2022 issued by the third respondent refusing to register the sale deed presented by the petitioner for



registration on the ground that the subject property belongs to Arulmighu Sankaranarayanan Thirukoil, Sankarankovil.

2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice and also on the ground that by total non application of mind to the documents submitted by the petitioner, the third respondent has passed the impugned order. It is the contention of the petitioner that he is the absolute owner of the aforementioned property and the temple does not have any right over it. Therefore, according to him, no objection certificate, as sought for by the third respondent under the impugned order, is not required. It is also his contention that no opportunity of hearing was granted to him by the third respondent before passing the impugned order.

3.As seen from the impugned order, as rightly contended by the petitioner, no opportunity of hearing was granted to the petitioner. The petitioner has reiterated in the Writ Petition that the subject property absolutely belongs to him and the temple has no right over it. The petitioner has also contended that he has produced all the relevant documents, which have not been considered by the third respondent. The petitioner has also filed copies of documents along with the Writ Petition to substantiate his claim.

4.However, under the impugned order, the said documents have not been considered and by a non speaking order, the sale deed presented by the petitioner has been refused to be registered by the third respondent on the ground that the subject property belongs to the temple and that the petitioner will have to obtain no objection certificate from the said temple.

5.Being a non speaking order and an order passed in violation of principles of natural justice, this Court is of the considered view that the impugned refusal check slip, dated 15.02.2022 issued by the third respondent has to be necessarily quashed and the matter has to be remanded back to the third respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner as well as the temple, namely, Arulmighu Sankaranarayanan Thirukoil, Sankarankovil and any other necessary party, whom the third respondent deems fit to enquire.

6.For the foregoing reasons, the impugned refusal check slip, dated 15.02.2022 issued 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 as well as the temple, namely, Arulmighu Sankaranarayanan Thirukoil, Sankarankovil and any other necessary party, whom the third respondent deems fit to enquire. The third respondent is directed to pass final orders within a period of ten weeks from the date of receipt of a copy of this



7. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1. The Inspector General of Registration,
Santhom High Road, Chennai - 28.

2. The District Registrar,
Thenkasi District, Thenkasi.

3. The Sub Registrar,
Sub Registrar Office,
Sankarankovil, Thenkasi District.

+1 CC to M/s.SPL GP (SR-15086[F] dated 29/03/2022)

+2 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-15289,15416[F] dated 30/03/2022)

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