



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.6340 of 2022

and

W.M.P. [MD]Nos.4955 & 4956 of 2022

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K.Kalyani

... Petitioner

/Vs./

1.The District Registrar,
O/o. District Registrar,
Pudukkottai,
Pudukkottai District.

2.The Sub Registrar,
O/o. Sub Registrar,
Kulathur,
Kulathur Taluk,
Pudukkottai District.

... 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 passed by the 2nd respondent vide his proceedings No.92/2022 dated 24.02.2022 and quash the same as illegal and consequentially to direct the 2nd respondent to register the pending documents No.P81/2021 and return the documents to the petitioner after registration of the documents within the time that may be stipulated by this Court.

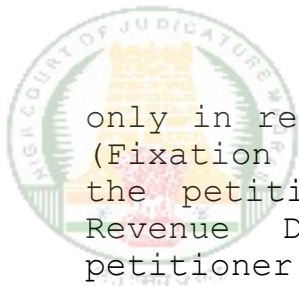
For Petitioner	: Mr.Mohammed Imran for Mr.K.Praveen Kumar
For Respondents	: Mr.J.John Rajadurai Government Advocate

ORDER

This writ petition has been filed challenging the refusal check slip dated 24.02.2022 issued by the second respondent rejecting the sale deed presented by the petitioner for registration on the ground that the subject land attracts the provisions of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice.

2.According to the petitioner, a copy of the Revenue Divisional Officer's report dated 30.11.2021 was not furnished to her and no opportunity of hearing was also granted to the petitioner.

3.As seen from the impugned order, the sale deed presented by the petitioner for registration includes five survey numbers and



only in respect of survey number 496/2, the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 gets attracted. Further, the petitioner has also not been furnished with a copy of the Revenue Divisional Officer's report dated 30.11.2021. The petitioner has also not been heard in the impugned proceedings.

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4. After giving due consideration to the aforementioned factors, this Court is of the considered view that the principles of natural justice have been violated by the second respondent before passing the impugned order. Hence, the impugned order will have to be necessarily quashed and the matter has to be 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 her the right of personal hearing.

5. For the foregoing reasons, the impugned refusal check slip dated 24.02.2022 issued 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 her the right of personal hearing. The second respondent is directed to pass final orders in the aforesaid terms, within a period of twelve [12] weeks from the date of receipt of a copy of this order, after furnishing all the copies of the reports, which the second respondent is relying upon in the final order to be passed by him, to the petitioner.

6. 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 (CO)

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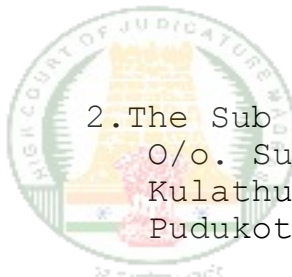
/ /2022

Sub Assistant Registrar (CS)

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To

1. The District Registrar,
O/o. District Registrar,
Pudukkottai, Pudukkottai District.



2.The Sub Registrar,
O/o. Sub Registrar,
Kulathur, Kulathur Taluk,
Pudukottai District.

+1 CC to M/s.PRAVEEN KUMAR, Advocate (SR-16990[F]
dated 06/04/2022)

+1 CC to M/s.SPL.GP (SR-17155[F] dated 07/04/2022)

order made in

W.P. [MD]No.6340 of 2022

Dated:

06.04.2022

ck(CO)

GC(18.04.2022) 3P 5C