



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6523 of 2022

and W.M.P. (MD) .No.5058 of 2022

S.P.Shajahan

.. Petitioner

Vs

1.The District Registrar,
Thiruchirappalli District.

2.The Sub Registrar,
Srirangam,
Thiruchirappalli District.

3.The Joint Commissioner of HR & CE,
Srirangam Temple,
Thiruchirappalli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 2nd respondent, dated 11.01.2022 and quash the same and consequently direct the 2nd respondent to register the Gift deed (HIFA), dated 11.01.2022, executed in favour of the petitioner within time limit stipulated by this court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.S.Shanmugavel for R1 & R2

Additional Government Pleader

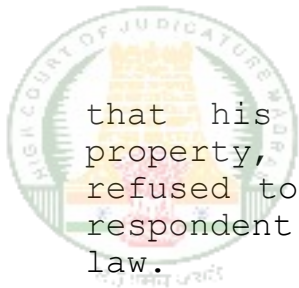
Mr.M.Saravanan for R3

ORDER

This writ petition has been filed challenging the refusal check slip, dated 11.01.2022, passed by the second respondent refusing to register the gift deed, presented by the petitioner for registration on the ground the subject property belongs to the third respondent temple.

2.Heard Mr.V.Sudhagar Nagaraj, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.M.Saravanan, learned counsel, who accepts notice on behalf of the third respondent.

3.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 total non application of mind to the parent documents produced by the petitioner the impugned order has been passed. The petitioner has filed documents in support of his case



that his father is the absolute owner of the aforementioned property, who has executed a gift deed in his favour, which is refused to be registered under the impugned order. It is for the respondent to consider the same on merits and in accordance with law.

WEB COPY

4.As seen from the impugned refusal check slip, the gift deed presented by the petitioner for registration has been refused to be registered by a non speaking order. According to the second respondent, the subject property belongs to the third respondent temple and only on that ground the petitioner's document has been refused to be registered. However as seen from the impugned order, no opportunity of hearing has been granted to the petitioner. The documents referred to by the petitioner in this writ petition has also not been considered. Hence, this Court is of the considered view that the impugned order has to be necessarily quashed on the ground of violation of principles of natural justice and on the ground that it is a non speaking order and 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 as well as the third respondent and any other necessary party, whom the second respondent deems fit to enquire including granting them the right of personal hearing.

5.In the result, the refusal check slip, dated 11.01.2022, 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 and the third respondent, including granting them the right of personal hearing, within a period of four months from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Registrar,
Thiruchirappalli District.

2.The Sub Registrar,
Srirangam,
Thiruchirappalli District.

3.The Joint Commissioner of HR & CE,
Srirangam Temple,
Thiruchirappalli District.

+1 CC to M/s.SPL.GP (SR-17839[F] dated 11/04/2022)

+1 CC to M/s.M. SARAIVANAN, Advocate (SR-17675[F] dated 11/04/2022)

+1 CC to M/s.N. SUDHAGAR NAGARAJ, Advocate (SR-17725[F] dated
11/04/2022)

W.P. (MD)No.6523 of 2022
08.04.2022

SB (CO)

KB (21.04.2022) 3P 7C