



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6925 of 2022
and W.M.P. (MD) .No.5309 of 2022

S.Vinayaga Moorthy

.. Petitioner

Vs

1.The Sub Registrar,
Kamuthi Registrar Office,
Kamuthi,
Ramanathapuram District.

2.R.M.T.S.S.Suriya Kumar,

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip vide refusal No. RFL/Kamuthi/9/2022, dated 09.03.2022, issued by the 1st Respondent and quash the same and consequently direct the 1st Respondent to register the Sale deed, dated 09.03.2022, presented by the petitioners purchase namely Ramar S/o. Chithriamal, in respect of the subject properties of the petitioner in S.No.129/1 to the extent of 1 Acre 82 cents in S.No.129/2 to the extent of 50 cents and in new sub-divided S.No.129/3A1 to the extent of 8 Acres and 95 Cents, all in Old Patta No.1946 and New Patta No.8487, situated at Kamuthi Group and Village, Kamuthi Sub Division, Ramanathapuram District.

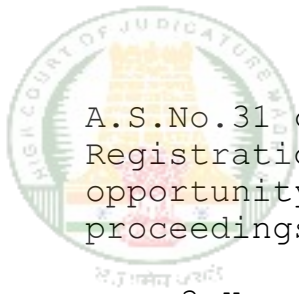
For Petitioner : Mr.R.Babu Jeganath

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip, dated 09.03.2022, passed by the first respondent refusing to register the sale deed presented by the petitioner for registration on the ground that in a civil suit O.S.No.33 of 2017 as well as in A.S.No.31 of 2020, the first respondent is a party respondent, which involves the subject matter of the sale deed, which was presented by the petitioner for registration.

2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice. According to him, in the suit O.S.No.33 of 2017 as well as in



A.S.No.31 of 2020, no interim order has been granted restraining the Registration Department from registering the sale deed and no opportunity of hearing was also granted to him in the impugned proceedings to put forward his contentions.

3. Heard Mr.R.Babu Jeganath, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, appearing for the respondents.

4. This Court has perused and examined the impugned order. In the impugned order, there is no reference to any interim order granted by any Court restraining the Registration Department from registering the sale deed presented by the petitioner for registration. It only reflects that a suit has been filed by the second respondent against the petitioner in O.S.No.33 of 2017, in which the first respondent is also a party respondent. As against the dismissal of O.S.No.33 of 2017, an appeal has also been filed by the second respondent in A.S.No.31 of 2020. Excepting for stating that the first respondent was a party to the aforementioned proceedings, no other reason has been given by the first respondent for refusing to register the sale deed presented by the petitioner for registration.

5. It is the contention of the petitioner that no interim order has been granted restraining the first respondent from registering any document presented by the petitioner for registration. The petitioner has also not been afforded any opportunity of hearing by the first respondent in the impugned proceedings.

6. For the foregoing reasons, this Court is of the considered view that principles of natural justice has been violated and the order impugned is a non speaking order. Hence, the impugned order, dated 09.03.2022, passed by the first respondent has to be necessarily quashed and remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent, including granting them the right of personal hearing, within a time frame to be fixed by this Court.

7. In the result, the impugned order, dated 09.03.2022, passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the second respondent including granting them the right of personal hearing. The first respondent is directed to pass orders, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner as well as the second respondent are permitted to produce relevant documents in support of their respective contentions before the first respondent.



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

Sd/-

Assistant Registrar (Writs)

WEB COPY

// 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.

To

1. The Sub Registrar,
Kamuthi Registrar Office,
Kamuthi,
Ramanathapuram District.

+1 CC to M/s.SPL.GP. (SR-19176[F] dated 18/04/2022)

W.P. (MD)No.6925 of 2022

13.04.2022

RK(28/04/2022) 3P 3C