



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6917 of 2022

Payakambar Ali

.. Petitioner

Vs

1.The Inspector General of Registration,
Registration Department,
Chennai.

2.The Sub-Registrar,
Kamudhi,
Ramanathapuram District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned refusal check slip issued by the second respondent in Refusal No. RFL/Kamduhi /3/2022, dated 21.01.2022 and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed, dated 21.01.2022, executed in favour of he Petitioner in respect of the properties comprised in (i) survey No.417/3 admeasuring 1.12 acres, (ii) survey No.415/2A admeasuring 1.33 acres, (iii) Property bearing survey No.415/2C admeasuring 1.83 acres, (iv) survey No.420/1 admeasuring 3.80 acres, (v) survey No.420/2 admeasuring 2.42 acres, (vi) survey No.417/4, admeasuring 4.03 acres, all situated at Kamudhi Group Village, Kamudhi Taluk, Ramanathapuram District and return the sale deed on receipt of proper stamp duty and registration charges.

For Petitioner

: Mr.R.Murali for

M/s.S.P.Meenakshi Sundaram

For Respondents

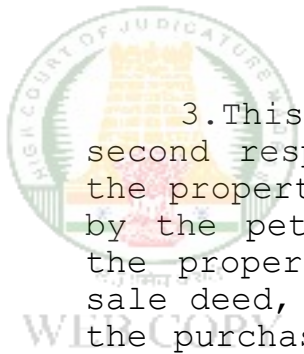
: Mr.J.John Rajadurai

Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal check slip, dated 21.01.2022, issued by the second respondent, rejecting the sale deed presented by the petitioner for registration on the ground that the subject property is involved in SEBI proceedings.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, the petitioner is not aware of the SEBI proceedings. It is also his case that the details of SEBI proceedings in respect of the subject property was also not furnished to the petitioner by the second respondent.



3.This Court has perused and examined the impugned order. The second respondent has referred to SEBI proceedings with regard to the property, which is the subject matter of the sale deed presented by the petitioner for registration. The petitioner has purchased the property from an individual by name R.Thangadurai, under the sale deed, which was presented for registration by the petitioner as the purchaser. The petitioner's vendor had purchased the property from one 'Blessing Agro Farm India Limited' under a registered sale deed, dated 17.11.2017. Though the SEBI proceedings is reflected in the impugned order, the details of the proceedings have not been furnished to the petitioner. No opportunity of hearing has also been granted to the petitioner in the impugned proceedings.

4.Therefore, this Court is of the considered view that principles of natural justice has been violated by the second respondent. Hence, the impugned refusal check slip, dated 21.01.2022, passed by the second respondent has 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 him the right of personal hearing.

5.For the foregoing reasons, the impugned refusal check slip, dated 21.01.2022, is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent is directed to pass final orders, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// 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 Inspector General of Registration,
Registration Department,
Chennai.

2.The Sub-Registrar,
Kamudhi,
Ramanathapuram District.

+1 CC to M/s.SPL.GP. (SR-18946[F] dated 18/04/2022)

+1 CC to M/s.S.P. MEENAKSHI SUNDARAM, Advocate (SR-19032[F] dated
18/04/2022)

W.P. (MD)No.6917 of 2022
13.04.2022

GM(CO)
KB(27.04.2022) 3P 5C