



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7061 of 2022

WEB COPY

R.Dharmalingam

... Petitioner

/Vs./

Joint Sub-Registrar No.1,
O/o. Joint Sub Registrar No.1,
Court Campus, Cantonment,
Trichy - 620 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent under his proceedings bearing pending document No. P/No1, Joint Sub - Registrar, Trichy/38/2022, receipt number 6515/2022 dated 30.03.2022 and quash the same as erroneous, illegal and consequently directing the respondent to register the sale deed executed in favour of the petitioner dated 30.03.2022 in Book No.1 and release the same to him bearing pending document number P/38/2022 in - respect of the property situated in Trichy District, Trichy West Taluk, Pirattiyur Village, Comprised in old S.Nos.205/1B2, 205/1B3, 205/2, 205/3, corresponding to old T.S.No.74/1B-Part, 74/1B2, 74/1B3-Part, 74/2, 74/3, now in New T.S.No.8 measuring 1808.70 sq.mt.

For Petitioner

: Mr.M.Ponniah

For Respondent

: Mr.S.Shanmugavel

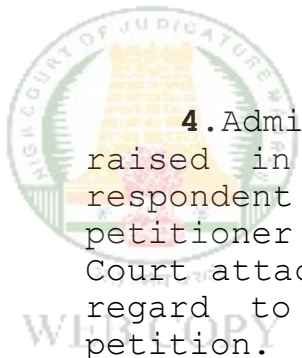
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 30.03.2022 passed by the respondent rejecting the sale deed presented by the petitioner for registration on the ground that there is a Court attachment.

2.According to the petitioner, the Court attachment is not binding on him. According to him, the attachment order has been passed against the true owner by the Court. However, the attachment is of the year 1995. The petitioner has also challenged the impugned order on the ground of violation of principles of natural justice, as no opportunity of hearing has been granted to him by the respondent before passing the impugned order.

3.Heard Mr.M.Ponniah, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.



4. Admittedly, as seen from the impugned order, the contentions raised in this writ petition have not been considered. The respondent has refused to register the sale deed presented by the petitioner for registration, only on the ground that there is a Court attachment. No reasons have been given by the respondent with regard to the grounds raised by the petitioner in this writ petition. Hence, this Court is of the considered view that the impugned order is a non-speaking order and has been passed by violating the principles of natural justice, as no opportunity of hearing has been granted to the petitioner.

5. For the foregoing reasons, the impugned order dated 30.03.2022 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, including granting him the right of personal hearing and any other party, whom the respondent deems fit to enquire, within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

Joint Sub-Registrar No.1,
O/o. Joint Sub Registrar No.1,
Court Campus, Cantonment,
Trichy - 620 001.

+1 CC to M/s.M.PONNIAH, Advocate (SR-18658[F] dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18989[F] dated 18/04/2022)

W.P. [MD]No.7061 of 2022
13.04.2022

MGJ(28.04.2022) 2P 4C