



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7256 of 2022

and

W.M.P.[MD]No.5530 of 2022

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Rajendran

... Petitioner

/Vs./

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2.The Sub Registrar,
Kalayarkoil,
Sivagangai 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 of the 2nd respondent pertaining to the impugned check slip No.1/2021 dated 05.08.2021 in respect of the property pertaining to Survey Number 87/3 punja hectare 1.21.5 equal to 3 acre 1 cent in Seramam village, Seramam group, Kalayakovil Taluk, Kalayarkovil Sub Division, Sivagangai District and quash the same and consequently direct the 2nd respondent herein to register the sale deed dated 05.08.2021 presented by the petitioners purchaser.

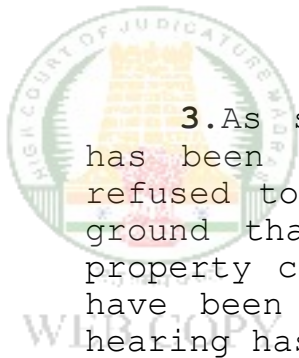
For Petitioner : Mr.C.Meenakshi Rama Prabu

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 05.08.2021 issued by the second respondent, under which, the second respondent refused to register the sale deed presented by the petitioner for registration on the ground that there is already an encumbrance pertaining to the very same property.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. The petitioner also contends that by total non application of mind to the parent document produced by the petitioner, the impugned refusal check slip has been issued.



3.As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. The second respondent has refused to register the sale deed under the impugned order on the ground that there is already an encumbrance over the very same property created by the very same vendor. However, no particulars have been furnished in the impugned order and no opportunity of hearing has also been granted to the petitioner.

4.Being a non speaking order and in view of the fact that no opportunity of hearing has been granted to the petitioner, the impugned refusal check slip dated 05.08.2021 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 and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing.

5.For the foregoing reasons, the impugned refusal check slip dated 05.08.2021 is quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the second respondent deems fit to enquire, including granting them the right of personal hearing 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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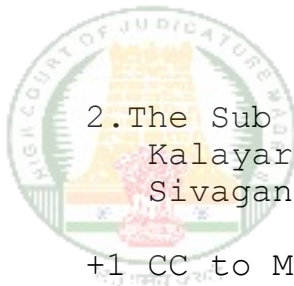
/ /2022

Sub Assistant Registrar(CS)

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To

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.



2.The Sub Registrar,
Kalayarkoil,
Sivagangai District.

+1 CC to M/s.SPL.GP. (SR-19743[F] dated 20/04/2022)

WEB COPY

W.P. [MD]No.7256 of 2022

Dated:

19.04.2022

RK(05/05/2022) 3P 4C