



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.7604 of 2022

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Velmayil

... Petitioner

vs.

The Sub Registrar,
Watrap, Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the respondent in Rfl/Watrap/5/2022 dated 25.03.2022 and quash the same as illegal and unreasonable and consequently, to direct the respondent to register to rectification deed presented by the petitioner in Document No.D.P114524324

For Petitioner :Mr.A.Balaji

For Respondent :Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the refusal check slip, dated 25.03.2022 issued by the respondent under which the respondent has refused to register the rectification deed presented by the petitioner for registration on the ground that the petitioner will have to get consent from other patta holders in Patta No.3619.

2.The petitioner has challenged the impugned order on the ground that the respondent has refused to register the rectification deed by total non application of mind to the fact that the sale deed has already been registered for the subject property in favour of the petitioner and also on the ground that the principles of natural justice has been violated, as no opportunity of hearing has been granted to the petitioner by the respondent.

3.The learned Counsel for the petitioner drew the attention of this Court to the impugned order as well as to the sale deed, dated 06.11.2008 executed in favour of the petitioner vide Doc.No.1875/2008 and would submit that by total non application of mind to the said document, the respondent has insisted upon a consent from other persons, whose names are included in the earlier joint patta in Patta No.3619. He would further submit that no opportunity of hearing has been granted to the petitioner under the



impugned proceedings and therefore, principles of natural justice has been violated.

4.As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. The contentions raised by the petitioner in this Writ Petition have also not been considered. In the sale deed, dated 06.11.2008 referred to supra, survey number has been wrongly mentioned as 846/1. The petitioner has produced the copy of the patta standing in the joint names for the subject property which discloses the correct survey number, ie., S.No.846/2. The petitioner has submitted the rectification deed seeking to rectify the earlier mistake committed under the sale deed by correcting the survey number from S.No.846/1 to 846/2.

5.The contentions raised by the petitioner in this Writ Petition as well as the documents filed along with this Writ Petition have not been considered by the respondent under the impugned order. No opportunity of hearing has also been granted to the petitioner in the impugned proceedings. Therefore, this Court is of the considered view that being a non speaking order and an order passed without adhering to the principles of natural justice, the impugned order, dated 25.03.2022 passed by the respondent has to be necessarily quashed and the matter has to be remanded back to the respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary party whom the respondent deems fit to enquire.

6.For the foregoing reasons, the impugned order, dated 25.03.2022 is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary party whom the respondent deems fit to enquire including granting them the right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Sub Registrar,
Watrap, Virudhunagar District.

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+1 CC to M/s.SPL.GP. (SR-20480[F] dated 22/04/2022)

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RD(12.05.2022) 3P 3C