



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7651 of 2022

and W.M.P. (MD) .No.5773 of 2022

WEB COPY

1.Seeniammal

2.Jeyalakshmi

... Petitioners

Vs.

1.The District Registrar (Administration),
Periyakulam,
Theni District.

2.The Sub Registrar,
Usilampatti,
Madurai District.

3.Gunasekarapandian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order, dated 14.03.2022, in Na.Ka.No. 5314/E2/2021 passed by the first respondent and quash the same.

For petitioners : Mr.J.Barathan

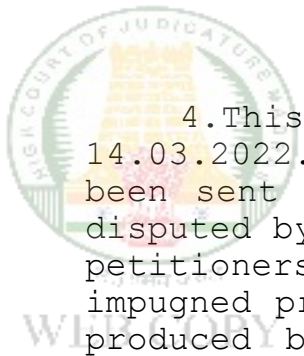
For Respondents : Mr.S.Shanmugavel for R1 and R2
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order, dated 14.03.2022, passed by the first respondent, under which the registrations have not been permitted pursuant to the agreement of sale entered into by the petitioner.

2.According to the petitioners, agreement of sale, dated 24.05.2016, is a valid one. According to the them, by total non application of mind, the impugned order has been passed, by a non speaking order without considering the contentions of the petitioners and by violating the principles of natural justice.

3.Heard Mr.J.Barathan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.



4.This Court has perused and examined the impugned order, dated 14.03.2022. Though under the impugned order notice seems to have been sent to the petitioners by the first respondent, the same is disputed by the petitioners in this writ petition. According to the petitioners, they did not receive any notice of hearing in the impugned proceedings. Since the acknowledgment cards have not been produced by the first respondent with regard to the service of notice on the petitioners in the impugned proceedings, this Court has to accept the contention of the petitioners that no notice of hearing was given to the petitioners. Further the contention of the petitioners as raised in the writ petition have not been considered on merits and in accordance with law in the impugned proceedings.

5.Therefore, this Court is of the considered view that the impugned order is a non speaking order and necessarily has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, after affording a fair hearing to the petitioners, the third respondent as well as any other necessary party, whom the first respondent deems fit to enquire, within a time frame to be fixed by this Court.

6.For the foregoing reasons, the impugned order passed by the first respondent, dated 14.03.2022, 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 petitioners, the third respondent and any other necessary party, whom the first respondent deems fit to enquire. The first respondent shall pass final orders, within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The District Registrar (Administration),
Periyakulam,
Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Sub Registrar,
Usilampatti,
Madurai District.

+1 CC to M/s.SPL.GP. (SR-20458[F] dated 22/04/2022)

+1 CC to M/s.T.R. JEYAPALAM, Advocate (SR-20532[F] dated
22/04/2022)

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RK(09/05/2022) 3P 5C