



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7589 of 2022

Narman

... Petitioner

/Vs./

1.The Sub Registrar,
Rajakkamangalam,
Kanyakumari District.

2.Sobana Sheela

... 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 impugned refusal number: RFL/RAjakkamangalam/15/2022, dated 18.02.2022 issued by the 1st respondent and quash the same as illegal and consequently, direct the 1st respondent to register the document submitted by the petitioner in respect of property in New Survey No.600/7C, Vembanur East Village, Agastheeswaran Taluk, Kanyakumari District measuring 8.380 cents.

For Petitioner : Mr.R.J.Karthick
For R1 : Mr.S.Shanmugavel,
Additional Government Pleader.

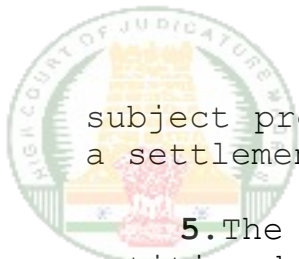
ORDER

This writ petition has been filed challenging the refusal check slip dated 18.02.2022 issued by the first respondent rejecting the settlement deed presented by the petitioner's mother, in favour of the petitioner for registration on the ground that a protest petition has been filed by the second respondent, who is the petitioner's sister. According to the second respondent, her mother does not have exclusive right of ownership over the subject property and therefore, she does not have legal authority to execute a settlement deed in favour of the petitioner, who is her brother.

2.Heard Mr.R.J.Karthick, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who accepts notice on behalf of the first respondent.

3.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and on the ground by total non application of mind to the parent document, the impugned order has been passed.

4.The petitioner has produced documents along with this writ petition to show that his mother is having exclusive right over the



subject property and therefore, she is legally empowered to execute a settlement deed for the subject property in his favour.

5.The contentions raised by the petitioner in this writ petition have not been considered by the first respondent under the impugned refusal check slip. By a non-speaking order and by not adhering to the principles of natural justice, as no opportunity of hearing has been granted to the petitioner, the impugned order has been passed.

6.Therefore, the impugned refusal check slip dated 18.02.2022 has to be necessarily 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 petitioner, the second respondent and any other necessary party, whom the first respondent deems fit to enquire.

7.For the foregoing reasons, the impugned refusal check slip dated 18.02.2022 issued by the first respondent 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 petitioner, the second respondent and any other necessary party, whom the first respondent deems fit to enquire. The first respondent is directed to pass final orders in the aforesaid terms, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Sub Registrar,
Rajakkamangalam, Kanyakumari District.

+1 CC to M/s.SPL.GP. (SR-20493[F] dated 22/04/2022)

W.P. [MD]No.7589 of 2022

21.04.2022

_RD(11.05.2022) 2P 3C