



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7684 of 2022

and

W.M.P. (MD) .No.5810 of 2022

J.Guruvikram

... Petitioner

Vs.

1.The District Registrar,
Madurai South Registration Office,
Madurai South, Mahal,
Madurai.

2.The Sub Registrar,
Office of the Sub Registrar,
Arasaradi,
Madurai.

3.S.R.Jeyaramdhas

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the first respondent in Na.Ka.No.7354/AA2/2021 dated 03.03.2022 and 21.03.2022 and quash the same.

For Petitioner	:	Mr.S.Ramsundarvijayraj
For R-1 and R-2	:	Mr.S.Shanmugavel, Additional Government Pleader.

ORDER

This Writ Petition has been filed challenging the impugned orders dated 03.03.2022 and 21.03.2022 passed by the first respondent.

2. In the impugned orders dated 03.03.2022 and 21.03.2022, the first respondent has cancelled the settlement deed dated 18.05.2020. According to the petitioner, the said document was cancelled without granting any opportunity of hearing to the aggrieved parties and it is a unilateral cancellation. On the ground of violation of the principles of natural justice, this Writ Petition has been filed.



3. This Court has perused and examined the impugned orders. As rightly contended by the learned counsel for the petitioner, the impugned orders have been passed without granting any opportunity of hearing to the aggrieved parties and it is a unilateral cancellation.

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4. In respect of another property involving another family member of the petitioner of the same survey numbers, this Court, by its order dated 21.03.2022 in W.P.(MD).No.4911 of 2022, quashed the impugned order and remanded the matter back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to all the necessary parties.

5. As the subject property involved in this Writ Petition falls under the same survey numbers, this matter can also be decided afresh by the first respondent along with the connected matter. Here also the principles of natural justice have been violated, as no opportunity of hearing has been granted to the aggrieved parties.

6. For the foregoing reasons, the impugned orders dated 03.03.2022 and 21.03.2022 passed by the first respondent are 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 and other necessary parties, whom the first respondent deems fit to enquire, including granting them the right of personal hearing. The first respondent is directed to hear this matter along with the connected matter which is the subject matter of W.P.(MD).No.4911 of 2022 and pass final orders thereafter within the time frame as directed by this Court in the earlier order dated 21.03.2022 passed in W.P.(MD).No.4911 of 2022.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS III)

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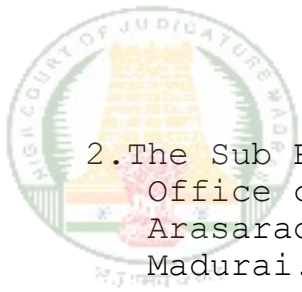
Sub Assistant Registrar(CS)

Lm

To

1.The District Registrar,
Madurai South Registration Office,
Madurai South, Mahal,

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



2.The Sub Registrar,
Office of the Sub Registrar,
Arasaradi,
Madurai.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-20609[F] dated
22/04/2022)

+1 CC to M/s.SPL.GP (SR-20922[F] dated 25/04/2022)

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22.04.2022

MGJ(05.05.2022) 3P 5C