



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7860 of 2022

A.M.Abdul Malik

... Petitioner

/Vs./

The Joint 1 Sub Registrar,
Ramanathapuram District,
Ramanathapuram.

... 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 Refusal Check Slip in RFL/Joint 1 Sub Registrar Ramanathapuram/9/2022, dated 07.04.2022 on the file of the respondent and quash the same and further direct the respondent to register the settlement deed dated 06.04.2022 executed by the petitioner.

For Petitioner	: Mr.K.Vinoharan, For Mr.G.Prabhu Rajadurai.
For Respondent	: Mr.J.John Rajadurai, Government Advocate.

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 07.04.2022 issued by the respondent refusing to register the settlement deed presented by the petitioner for registration on the ground that a document has already been registered pertaining to the very same property by a third party in Document No.113 of 2022.

2.The petitioner claims that based on a will dated 31.08.2015, executed by his paternal uncle, he became the absolute owner of the subject property. According to the petitioner, property tax receipts and EB receipts have been filed before the respondent to show that he is in possession of the subject property.

3.However, according to the petitioner, arbitrarily without granting an opportunity of hearing, the impugned order has been passed refusing to register the settlement deed presented by the petitioner for registration on the ground that a third party has already registered a document pertaining to the very same property under Document No.113 of 2022.

4.The petitioner has challenged the impugned refusal check slip dated 07.04.2022 on the ground of violation of principles of natural



justice, as no opportunity of hearing has been granted to the petitioner and that the impugned order is a non-speaking order. The petitioner has filed a copy of the order passed by the Rent Controller, Ramanathapuram, in RCOP.No.20 of 2008 as well as a copy of the will dated 31.08.2015 under which, he is a beneficiary.

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5.As seen from the impugned order, the contentions of the petitioner have not been considered and the documents produced by him have not been considered. The petitioner claims that he is the absolute owner of the property based on the aforementioned documents as well as based on the order passed by the Rent Controller, Ramanathapuram, in RCOP.No.20 of 2008.

6.Admittedly, no opportunity of hearing was granted to the petitioner by the respondent under the impugned proceedings. Therefore, this Court is of the considered view that being a non-speaking order with regard to the contentions raised by the petitioner in this writ petition and on account of violation of principles of natural justice, as no opportunity of hearing has been granted to the petitioner, the impugned refusal check slip dated 07.04.2022 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, the parties to the Document No.113 of 2022 and any other necessary party, whom the respondent deems fit to enquire.

7.In the result, the impugned refusal check slip dated 07.04.2022 is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the parties to the Document No.113 of 2022 and any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing, 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 (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Joint 1 Sub Registrar,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-21247[F]
dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21217[F] dated 26/04/2022)

order made in

W.P. [MD]No.7860 of 2022

Dated:

25.04.2022

CK (CO)

GC (09.05.2022) 3P 4C