



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.8048 of 2022

Palaniappan

... Petitioner

Vs.

The Sub-Registrar,
Needamangalam,
Thiruvarur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the refusal check slip issued by the respondent vide Refusal Number .RFL/Needamangalam /34/2022, dated 13.04.2022 and quash the same as illegal and unconstitutional and consequently direct the respondent to accept the sale deed, dated 13.04.2022, presented by the Petitioner for registration in respect of property in S.No.181/10, Puliakudi Village, Papanasam Taluk, Thanjavur District and release the same after completion of legal formalities, within the time that may be fixed by this Court.

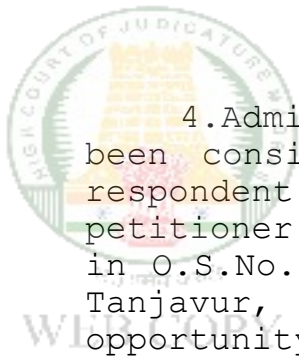
For Petitioner	:	Mr.S.Balamurugan for Mr.S.Venkatesan
For Respondent	:	Mr.S.Shanmugavel Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent, dated 13.04.2022, refusing to register the sale deed, presented by the petitioner for registration on the ground that a civil suit is pending in O.S.No.66 of 2017, on the file of the Principal District Court, Thanjavur, pertaining to the very same property.

2.Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

3.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, no opportunity of hearing has been granted to him by the respondent before passing the impugned order. It is also contended by the petitioner that by a non speaking order, the petitioner's sale deed has been refused to be registered by the respondent. It is also the contention of the petitioner that mere pendency of the civil suit will not prohibit the respondent from registering any document.



4. Admittedly, the contentions raised by the petitioner have not been considered by the respondent under the impugned order. The respondent has refused to register the sale deed presented by the petitioner for registration, in view of the ground that a civil suit in O.S.No.66 of 2017, on the file of the Principal District Court, Tanjavur, is pending in respect of the very same property. No opportunity of hearing has been granted by the respondent to the petitioner. The impugned order is also a non speaking order.

5. Since the contentions of the petitioner raised in the writ petition have not been considered and being a non speaking order, the impugned refusal check slip, dated 13.04.2022 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 and any other necessary party, whom the respondent deems fit to enquire, within a time frame to be fixed by this Court.

6. For the foregoing reasons, the impugned refusal check slip, dated 13.04.2022, passed by the respondent 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 any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing. The respondent is directed to 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.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM
To
The Sub-Registrar,
Needamangalam,
Thiruvarur District.

+1 CC to M/s.SPL.GP. (SR-21847[F] dated 27/04/2022)

W. P. (MD)No.8048 of 2022

26.04.2022

GM(CO)
GC(18.05.2022) 2P 3C

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