



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.8064 of 2022

and W.M.P. (MD) .No.6035 of 2022

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C.Sasidharan

... Petitioner

Vs.

The Sub-Registrar,
Sub Registrar Office,
Munchirai,
Kanyakumari 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 pertaining to the impugned order passed by the respondent in Na.Ka.No.30/22, dated 03.03.2022 and quash the same as illegal and include the petitioner's name in the Encumbrance in R.Survey No.168/4D to an extent of 5.5 Cents.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

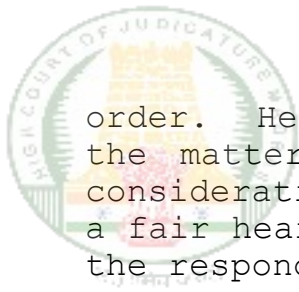
O R D E R

This writ petition has been filed challenging the order dated 03.03.2022, passed by the respondent refusing to register the Lok Adalat Award, passed in favour of the petitioner on 11.12.2021, on the ground that the said Lok Adalat award has been obtained in a bare injunction suit in O.S.No.147 of 2021, passed by the Principal District Munsif Court, Kuzhithurai.

2.Heard Mr.H.Velavadhas, 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 and on the ground that the said order is a non speaking order. The petitioner contends that he is entitled to get the Lok Adalat award dated 11.12.2021, registered. It is for the respondents to consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner.

4.As seen from the impugned order, no opportunity of hearing has been granted to the petitioner. It is also a non speaking



order. Hence, the impugned order 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.

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5.For the foregoing reasons, the impugned order, dated 03.03.2022, 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.

6.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

The Sub-Registrar,
Sub Registrar Office,
Munchirai,
Kanyakumari District.

+1 CC to M/s.SPL.GP. (SR-21844[F] dated 27/04/2022)

W.P. (MD)No.8064 of 2022

26.04.2022

RK(23/05/2022) 2P 3C