



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8134 of 2022

and

W.M.P.[MD]No.6060 of 2022

WEB COPY

J.Seeman Ram Victor

... 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.Jeyaramdas

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining the impugned orders of the first respondent in Na.Ka.No.7355/AA2/2021 dated 03.03.2022 and 21.03.2022.

For Petitioner : Mr.S.Ramsundarvijayaraj

For Respondents 1&2 : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned orders dated 03.03.2022 and 21.03.2022 passed by the first respondent, under which a finding has been given by the first respondent that the settlement deed executed by the petitioner dated 18.05.2020 in favour of his mother is a fraudulent document.

2.The petitioner is aggrieved by the findings of the first respondent in the impugned orders dated 03.03.2022 and 21.03.2022. He has challenged the same on the ground of violation of principles of natural justice. According to him, no opportunity of hearing was granted to him by the first respondent before passing the impugned orders.

3.Learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that since the petitioner has executed a settlement deed in excess of the lands owned by him, the



settlement deed was found to be a fraudulent registration by the first respondent.

4.However, after perusing and examining the impugned orders, this Court finds that no opportunity of hearing has been granted to the petitioner. The contentions of the petitioner raised in this writ petition have not been considered in the impugned orders. Therefore, on the ground of violation of principles of natural justice, the impugned orders will have to be necessarily quashed and the matter will have 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 and the third respondent and any other necessary party whom the first respondent deems fit to enquire.

5.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 the third respondent and any other necessary party whom the first respondent deems fit to enquire. The first respondent shall pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

- 1.The District Registrar,
Madurai South Registration Office,
Madurai South, Mahal,Madurai.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Arasaradi, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-21372[F] dated 26/04/2022)

+1 CC to M/s.SPL.GP (SR-22362[F] dated 28/04/2022)

W.P.[MD]No.8134 of 2022

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