



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8469 of 2022

and

W.M.P[MD]No.6229 of 2022

Selvam

... Petitioner

/Vs./

1. The District Registrar,
Ramanathapuram District,
The Registration Department.

2. The Sub Registrar,
Thiruvadanai.

3. Hemabharathi

4. Kaliasammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in Na.Ka.No.6/Aa1/2022 dated 28.02.2022 passed by the 1st respondent and quash the same as illegal and consequently, direct the respondents 1 and 2 to cancel the sale deed in Doc.No.1454 of 2019 on the file of the 2nd respondent within a time frame stipulated by this Court.

For Petitioners : Mr.S.A.Ajmalkhan

For R1 and R2 : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the impugned order dated 28.02.2022 rejecting the petitioner's representation seeking for cancellation of the documents standing in the names of the third and fourth respondents on the ground that they are fraudulent documents. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and it is in non speaking order.



2. Heard Mr.S.A.Ajmalkhan, learned Counsel for the writ petitioners and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

3. Admittedly, as seen from the impugned order, no opportunity of hearing has been granted and the contentions raised in this writ petition have not been considered in the impugned order. Therefore, it is a non speaking order, as regards the contentions raised by the petitioner. The petitioner has been directed to approach the civil Court to redress his grievance and at the same time, under the impugned order, the respondent has also observed that action will be taken against the third and fourth respondents.

4. For the foregoing reasons, this Court is of the considered view that the impugned order has been passed by violating the principles of natural justice and it is a non-speaking order. Hence, this Court is of the considered view that the impugned order will have to be necessarily quashed and the matter has 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 parties, in whose names the documents stand, namely the third and fourth respondents.

5. In the result, the impugned order dated 28.02.2022 passed by the first respondent is 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, the respondents 3 and 4 and any other necessary parties, whom the first respondent deems fit to enquire including granting them the right of personal hearing. The respondent shall pass final orders in the aforesaid terms 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, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The District Registrar,
Ramanathapuram District,
The Registration Department.

2. The Sub Registrar,
Thiruvadanai.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-22272[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-23031[F] dated 29/04/2022)

order made in
W.P.[MD]No.8469 of 2022
Dated : 28.04.2022

USK/26.05.2022/3P/5C