



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8140 of 2022

WEB COPY

P.Durairasu

... Petitioner

Vs.

1.The Inspector General
Registration Department,
Chennai.

2.The Deputy Inspector General,
Registration Department,
Trichy.

3.The District Registrar,
District Registrar Office,
Pudukkottai.

4.The Joint Receiver,
Kalaimagal Saba,
No.48, North Usman Road,
T.Nagar, Chennai-600 017.

5.The Sub-Registrar,
Sub-Registrar Office,
Perungalur,
Pudukottai Taluk and District.

... Respondents

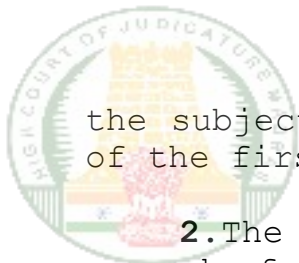
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fifth respondent in his Refusal Number : RFL/PERUNGALUR/2/2022 dated 10.02.2022 and quash the same as arbitrary and illegal and consequently direct the fifth respondent to register the petitioner's Gift Settlement Deed dated 06.01.2022 by considering the petitioner's representation dated 23.02.2022.

For Petitioner
For Respondents

: Mr.R.Paranjothi
: Mr.J.John Rajadurai
Government Advocate

O R D E R

This Writ Petition has been filed challenging the impugned refusal check slip dated 10.02.2022 issued by the fifth respondent under which the gift settlement deed presented by the petitioner for registration has been refused to be registered on the ground that



the subject property is owned by Kalaimagal Sabha as per the letter of the first respondent in Letter No.62654/E1/09 dated 10.02.2009.

2.The petitioner has challenged the impugned order only on the ground of violation of principles of natural justice. According to him, no opportunity of hearing has been granted by the fifth respondent before passing the impugned order. It is his contention that he is the owner of the property and will substantiate the same before the fifth respondent. Having not been granted an opportunity of hearing, he has been unable to substantiate his case before the fifth respondent.

3.As seen from the impugned order, the fifth respondent has refused to register the gift settlement deed presented by the petitioner for registration on the ground that the subject property is owned by Kalaimagal Sabha as per the letter of the first respondent in Letter No.62654/E1/09 dated 10.02.2009. The petitioner disputes the same. He has produced documents along with this writ petition for the purpose of substantiating his case that he is the owner. Since no opportunity of hearing has been granted to the petitioner under the impugned proceedings, this Court is of the considered view that principles of natural justice has been violated. Only on the ground of violation of principles of natural justice, the impugned order has to be necessarily quashed and the matter has to be remanded back to the fifth respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

4.For the foregoing reasons, the impugned order dated 10.02.2022 passed by the fifth respondent is hereby quashed and the matter is remanded back to the fifth 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 fifth respondent deems fit to enquire including granting them the right of personal hearing and pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

<https://hcservices.ecourts.gov.in/hcservices/>



To

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+1 CC to M/s.SPL.GP. (SR-21876[F] dated 27/04/2022)

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MGJ(23.05.2022) 3P 7C