



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8499 of 2022

Ezhilarasan

.. Petitioner

Vs.

The Sub Registrar,
Needamangalam,
Thiruvarur District.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of Respondent in RFL/Needamangalam/35/2022 dated 13.04.2022 and to quash the same and consequentially direct the Respondent to register the document as in the manner which is presented before him in respect of the properties for an extent of 0.15.50 Ares in Survey No. 295C/15, an Extent of 0.18.50 Ares in Survey No. 295C/16 and extent of 0.24.00 Ares, in Survey No. 295C/18 totally to the extent of 0.58.00 Ares situated at Karuppamuthaliyar Kottai, Puliyankudi II revenue village, Papanasam Taluk, Thanjavur District.

For Petitioner	:	Mr.S.Venkatesan for Mr.M.Karuppasamy
For Respondent	:	Mr.S.Shanmugavel, Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent refusing to register the sale deed presented by the petitioner for registration on the ground that the petitioner has not established his title over the property.

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

3.The learned counsel for the petitioner on instructions would submit that without granting any opportunity of hearing to the petitioner, the impugned order has been passed. The learned counsel for the petitioner relied upon various documents, which have been enclosed along with the writ petition to substantiate the claim of the petitioner that he is the absolute owner of the property and is entitled to present the sale deed for registration.

4.Since no opportunity of hearing has been granted to the petitioner in the impugned proceedings and the contentions of the petitioner raised by the petitioner in this writ petition have not



been considered in the impugned refusal check slip, this Court is of the considered view that the impugned order has been passed in violation of principles of natural justice and it is a non speaking order with regard to the contentions raised by the petitioner in this writ petition.

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5. Therefore, the impugned order, dated 13.04.2022, passed by the respondent, 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 order, 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 and also permitting them to produce all the relevant documents to substantiate their respective contentions. 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/-

Vacation Officer (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

The Sub Registrar,
Needamangalam,
Thiruvavarur District.

+1 CC to M/s.M. KARUPPASAMY, Advocate (SR-22430[F] dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-23041[F] dated 29/04/2022)

W.P. (MD)No.8499 of 2022
28.04.2022

SRK(CO)
KB(17.05.2022) 2P 4C

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