



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8310 of 2022

Sree Kumaran Nair

... Petitioner

/Vs./

The Sub Registrar,
Sub Registrar Office,
Thuckalay,
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 of the impugned refusal Check Slip in Refusal Number : RFL/ Thuckalay/22/2022 dated 19.03.2022 passed by the Respondent herein and quash the same as illegal and further direct the respondent herein to enquire the matter by conducting a summary enquiry as mandate in the light of the judgment reported in 2017 (3) CTC 135 and 2020 (3) CTC 785 with respect to the Re.S.No.401/17, to an extent of 2 cents out of 0.03.50 Ares in Patta No.2413 in Kumarapuram Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi
For Respondent : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 19.03.2022 refusing to register the sale deed presented by the petitioner for registration on the ground that a demand has been made by HR&CE Department that the subject property belongs to a temple.

2.The petitioner has challenged the impugned order on the ground of principles of natural justice. According to him, without holding any enquiry and without affording any opportunity of hearing to the petitioner, the impugned order has been passed.

3.This Court has perused and examined the impugned order. As seen from the impugned order, no opportunity of hearing has been granted to the petitioner before refusing to register the sale deed presented by the petitioner for registration. The respondent has refused to register the sale deed on the ground that there is a claim made by the HR&CE Department stating that the subject property belongs to a public temple.



4.Since no opportunity of hearing has been granted to the petitioner and no enquiry was conducted, this Court is of the considered view that the impugned order passed by the respondent has been passed in violation of principles of natural justice.

5.Accordingly, the impugned refusal check slip dated 19.03.2022 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the HR&CE Department, including granting them the right of personal hearing, and also permitting them to produce documents to substantiate their case, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Sub Registrar,
Sub Registrar Office,
Thuckalay,
Kanyakumari District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-22028[F] dated 28/04/2022)
+1 CC to M/s.SPL.GP. (SR-22114[F] dated 28/04/2022)

order made in
W.P.[MD]No.8310 of 2022
27.04.2022

RS (25.05.2022) 2P-4C