



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8443 of 2022

1.N.Ramadoss

2.R.Manjula Ramadoss

3.R.Rengarajan

... Petitioners

/Vs./

The Sub Registrar,
Sanarpatti, Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the impugned order in Refusal No.RFL/Sanarpatt/4/2022 dated 13.04.2022 by the 1st respondent herein and to quash the same as illegal and to direct the respondent to register and release our partition deed.

For Petitioners : Mr.S.Sundaravadivel
For Respondent : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 13.04.2022 issued by the first respondent refusing to register the partition deed presented by the petitioners for registration on the following grounds:

- (a) Non-production of the original parent document;
- (b) Unapproved / non regularized house site;
- (c) There was previous sale agreement in Document No.918 of 1999, which was not cancelled.

2.The petitioners have challenged the impugned refusal check slip primarily on the ground of violation of principles of natural justice. The contention of the petitioners is that without giving an opportunity of hearing, the impugned order has been passed. According to the petitioners, since opportunity of hearing was not granted, they were unable to satisfy the requirements of the respondent.

3.Heard Mr.S.Sundaravadivel, learned Counsel for the writ petitioners and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.



4.This Court has perused and examined the impugned refusal check slip. Admittedly, no opportunity of hearing has been granted to the petitioners. The contentions raised in this writ petition have not been considered by the respondent. Therefore, this Court is of the considered view that principles of natural justice have been violated. Hence, the impugned refusal check slip will have to be necessarily quashed and the matter has to be remanded back to the respondent for fresh consideration, after affording a fair hearing to the petitioners and any other necessary party, whom the respondent deems fit to enquire.

5.For the foregoing reasons, the impugned refusal check slip dated 13.04.2022 is hereby quashed and the matter is remanded back to the respondent for fresh consideration. The respondent is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners and any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioners are permitted to produce all the relevant documents before the respondent to substantiate their case.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Sub Registrar,
Sanarpatti,
Dindigul District.

+1 CC to M/s.SUNDARAVADIVEL,Advocate (SR-22181[F] dated 28/04/2022)

+1 CC to M/s.SPL. GP (SR-23045[F] dated 29/04/2022)

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MGJ(18.05.2022) 2P 4C