



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8373 of 2022

and W.M.P. (MD) .Nos.6210 & 6211 of 2022

WEB COPY

G.Navakodi Ponsekar

... Petitioner

Vs.

- 1.The District Registrar,
Admin,
Madurai North Registration Office,
Y.Othakadai, Madurai.
- 2.The Sub Registrar,
Office of the Sub Registrar of Registration,
Alanganallur, Madurai.
- 3.M.L.M.Sarojini Achi
rep. by her power agent,
M.L.M.Nachiyappan,
- 4.P.Senthilkumar
- 5.T.T.Logagurunathan

6.M.Prabakaran

... Respondents

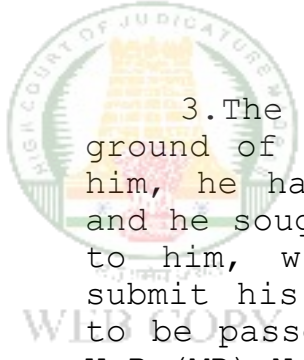
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining the impugned order of the 1st respondent in 4603/R2/2019, dated 19.04.2022 and quash the same.

For Petitioner : Mr.M.Sricharan Rangarajan
for Mr.S.Ramsundarvijayaraj.
For Respondents : Mr.S.Shanmugavelu for R1 and R2
Additional Government Pleader.
Mr.R.Pon Karthikeyan for R3.

ORDER

This writ petition has been filed challenging the impugned order of the first respondent, dated 19.04.2022, declaring the sale deed standing in the name of the 6th respondent as a fraudulent document.

2.Heard Mr.Sricharan Rangarajan, learned counsel appearing for the petitioner and Mr.S.Shanmugavelu, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.



3.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to him, he had participated in the enquiry proceedings on 09.03.2022 and he sought for further time to submit his explanation. According to him, without granting any opportunity for the petitioner to submit his explanation, the impugned order, dated 19.04.2022, came to be passed. This Court by its order, dated 17.03.2022, passed in W.P.(MD).No.4722 of 2022 in a writ petition filed by one of the complainant namely M.L.N.Sarojini Achi against this petitioner, directed the District Registrar (Administration), who is the first respondent herein to pass final orders on the petitioner's representation, dated 18.10.2019, seeking for cancellation of documents, which stands in the name of the present petitioner and others. In the said order, ten weeks time was granted for the District Registrar to pass final orders. The ten weeks time expires only in the month of May 2022. The petitioner has sought for time to submit his explanation in the enquiry proceedings on 09.03.2022. However, the impugned order has been passed on 19.04.2022 itself, though the ten weeks time expires only in the month of May 2022. The main contention of the petitioner in this petition is that he was not granted sufficient opportunity by the first respondent to submit his explanation. He also contends that he has a good case on merits and he denies the contentions of the complainant, based on which the impugned order, dated 19.04.2022, came to be passed.

4.As seen from the impugned order, only pursuant to the directions given by this Court on 17.03.2022 in W.P.(MD).No.4722 of 2022, the impugned order came to be passed on 19.04.2022, under which, the documents have been declared to be fraudulent. Admittedly, the petitioner has participated in the enquiry proceedings initiated by the first respondent. He has appeared for enquiry on 09.03.2022. He has sought time to submit his explanation on that date. The same is also reflected in the impugned order, dated 19.04.2022. However, without waiting for the deadline fixed by this Court as per its order, dated 17.03.2022, in W.P.(MD).No.4722 of 2022 and without receiving the explanation from the petitioner with regard to the complaint lodged by the complainant, the first respondent has proceeded with the enquiry and has passed the impugned order, dated 19.04.2022.

5.In the order, dated 17.03.2022, passed in W.P.(MD).No.4722 of 2022, this Court had directed the first respondent to pass final orders, within a period of ten weeks from the date of receipt of a copy of that order. The ten weeks time expires only in the middle of May 2022. However, without receiving the explanation from the petitioner, which the petitioner proposed to submit during the enquiry on 09.03.2022, the first respondent has passed the impugned order. As seen from the impugned order, no sufficient opportunity of hearing has been granted to the petitioner and the petitioner's proposal to submit an explanation at a later date has also not been



6.For the foregoing reasons, this Court is of the considered view that principles of natural justice has been violated by the first respondent, as seen from the impugned order. Hence, 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 other necessary parties, including granting them the right of personal hearing and also permitting them to file their objections to the complaint lodged by the complainants, seeking for cancellation of certain documents.

7.Accordingly, the impugned order 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 and other necessary parties, including granting them the right of personal hearing and also permitting them to file their objections to the complaint lodged by the complainants, seeking for cancellation of certain documents. The first respondent is directed to pass final orders, within a period of twelve weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The District Registrar,
Admin,
Madurai North Registration Office,
Y.Othakadai, Madurai.

2.The Sub Registrar,
Office of the Sub Registrar of Registration,
Alanganallur, Madurai.

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-21832[F] dated 27/04/2022)

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-22694[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP. (SR-22109[F] dated 28/04/2022)

W.P. (MD)No.8373 of 2022

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