



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8682 of 2022

A.Krishnasamy

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai-600 028.

2.The Sub Regisrar,
Office of Sub Registrar,
Oddanchatram Taluk,
Dindigul District.

3.A.Saraswathi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip of the second respondent dated 28.02.2022 and to quash the same as arbitrary and illegal and consequently direct the second respondent to register the petitioner's cancellation of Settlement Deed dated 24.02.2022 presented before the second respondent within a stipulated time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu
For R-1 & R-2 : Mr.John Rajadurai
Government Advocate

O R D E R

This writ petition has been filed challenging the impugned refusal check slip dated 28.02.2022 passed by the second respondent, rejecting the cancellation of settlement deed presented by the petitioner on the ground that it is an unilateral cancellation.

2.The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. According to the petitioner, without granting an opportunity of hearing, the impugned order has been passed. It is the contention of the



petitioner that as per the Circular of the Inspector General of Registration dated 11.08.2021, the petitioner is entitled to present the cancellation of settlement deed for registration unilaterally.

3. Admittedly, the contentions raised in this writ petition have not been considered by the second respondent under the impugned order. No opportunity of hearing has been granted to the petitioner in the impugned proceedings. Therefore, this Court is of the considered view that principles of natural justice has been violated and a non-speaking order has been passed with regard to the contentions raised by the petitioner.

4. For the foregoing reasons, this Court is of the considered view that the impugned order dated 28.02.2022, passed by the second respondent has to be necessarily quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, the third respondent as well as any other necessary party whom the second respondent deems fit to enquire.

5. In the result, the impugned order dated 28.02.2022 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, the third respondent and any other necessary party whom the second respondent deems fit to enquire. The second respondent shall pass final orders within a period of twelve [12] weeks from the date of receipt of a copy of this order. Since the document has been returned back to the petitioner, the petitioner is permitted to present the same before the second respondent for registration.

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

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

To

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalai Puram,
Chennai-600 028.



2.The Sub Registrar,
Office of Sub Registrar,
Oddanchatram Taluk,
Dindigul District.

+1 CC to M/s.M.O.THEVAN KUMAR, Advocate (SR-22504[F] dated 29/04/2022)

+1 CC to M/s.J.JOHN RAJADURAI, SPL.GP (SR-23066[F] & SR-23290[F] dated 29/04/2022 & 04/05/2022)

ORDER MADE IN
W.P.[MD]No.8682 of 2022
29.04.2022

RS (19.05.2022) 3P-5C