



W.P.(MD)No.11036 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11036 of 2022

and

W.M.P.(MD)No.7934 of 2022

Alagarsamy

... Petitioner

Vs.

1. The District Registrar (Administration),
Periyakulam Registration District,
Periakulam,
Theni District.

2. The Sub Registrar,
Aundipatti Sub Registration Office,
Aundipatti,
Theni District.

3. Jayaraman

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, calling for the records of the first respondent in Na.Ka.No.6749/E2/2021, dated 08.03.2022 and quash the same without giving opportunity ex-parte order passed by the first respondent and consequently, direct the first respondent to allow the petitioner to submit his explanation with respect of the complaint given by the third respondent.



W.P.(MD)No.11036 of 2022

WEB COPY

For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.K.Balasubramani
Spl. Govt. Pleader for R1 & R2
No appearance for R3

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 and 2.

2. Though the third respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

3. The case of the petitioner is that he is the owner of the petition mentioned property. He had given power of attorney in favour of one Palanichamy. This was cancelled at the instance of the third respondent, who claimed to be the actual owner of the property.

4. The grievance of the petitioner is that even without hearing him, based on the complaint of the third respondent, the first respondent has passed the impugned order.



W.P.(MD)No.11036 of 2022

WEB COPY

5. After going through the records, I am satisfied that principles of natural justice have been violated.

6. Accordingly, the impugned order passed by the first respondent is quashed and the Writ Petition is allowed. The matter is remitted to the file of the first respondent to pass fresh order on merits and in accordance with law. The first respondent shall issue fresh notices to the writ petitioner as well as third respondent and thereafter, pass an order. No costs. Consequently, connected Miscellaneous Petition is closed.

05.07.2022

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The District Registrar (Administration),
Periyakulam Registration District,
Periakulam, Theni District.
2. The Sub Registrar,
Aundipatti Sub Registration Office,
Aundipatti, Theni District.



WEB COPY



W.P.(MD)No.11036 of 2022

G.R.SWAMINATHAN, J.

vji

**W.P.(MD)No.11036 of 2022
and
W.M.P.(MD)No.7934 of 2022**

05.07.2022