



WEB COPY

W.P. No.28215 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.28215 of 2023 and
W.M.P. Nos.27737 of 2023

1. R.K.Venkatesh

2. P.Gowri

... Petitioners

Vs.

1. The District Registrar
District Registrar Office
Tiruvannamalai District

2. The Sub Registrar
2T-Sub Registrar Office
Tiruvannamalai District

3. Mohandas

4. Veni

5. V.Chithambaram
Power Agent of Mr.Arunachalam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of writ of mandamus directing the 1st respondent to pass an order to cancel the cancellation of sale deed registered vide Doc. No.6544/2023 dated 15.05.2023 on the file of 2nd respondent, pursuant to petitioner representation dated 03.07.2023.



For Petitioners : M/s.S.Jayashree

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R2

ORDER

This Writ Petition is filed seeking for a writ of mandamus directing the 1st respondent to pass an order to cancel the cancellation of sale deed registered vide Doc. No.6544/2023 dated 15.05.2023 on the file of 2nd respondent, pursuant to petitioner's representation dated 03.07.2023.

2. The learned counsel for the writ petitioners submitted that on 01.07.2023, the petitioners received a notice No.3259/E2023 dated 23.06.2023 issued by the 1st respondent stating that he was going to conduct an enquiry on 30.06.2023 on the representation made by the 5th respondent to cancel the sale deeds. Since they received the said notice after the date of enquiry fixed by the 1st respondent, on 03.07.2023, the petitioners gave a detailed reply to the 1st respondent about the receipt of notice after the due date and also informed that the 5th respondent had already transferred the property illegally and thereby, requested the 1st respondent to conduct a fresh



enquiry in another dated and give a chance to the petitioners to prove their contentions as it is violating the Natural Justice Principle of "Audi Alteram Partem". But the 1st respondent did not consider their representation and action was not taken till date. Hence, the petitioners have filed the present writ petition seeking for a direction to the 1st respondent to conduct a fresh enquiry and give an opportunity of hearing to the petitioners.

3. Though the learned counsel for the petitioners contended that the writ petitioners received the notice dated 23.06.2023, sent by the 1st respondent calling upon the petitioners to appear for enquiry on 30.06.2023, only on 01.07.2023 which is after the date of enquiry fixed by the 1st respondent, the petitioners have not produced any materials to show that they received the notice only on 01.07.2023 i.e. after the date of enquiry fixed by the 1st respondent.

4. In the absence of any specific material to prove that the petitioners did not receive the notice prior to the date of enquiry fixed by the 1st respondent and they received the same only after the date of enquiry, this Court is not inclined to allow this writ petition.



5. Accordingly, the writ petition is dismissed at the admission stage itself. As both the writ petitioners have common interest, the connected Miscellaneous Petition is ordered. There shall be no order as to costs.

03.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

1. The District Registrar
District Registrar Office
Tiruvannamalai District

2. The Sub Registrar
2T-Sub Registrar Office
Tiruvannamalai District



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P.VELMURUGAN. J.

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