



W.P(MD)No.3402 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.3402 of 2022
and
W.M.P(MD)No.2982 of 2022

P.Anandakumar

... Petitioner

Vs.

1.The Sub Registrar
Usilampatti,
Madurai District.

2.The Assistant Commissioner
HR & CE Department,
Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the



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records pertaining to the impugned return check slip with original sale deed issued by the first respondent in his proceedings in P.25/2020 dated 19.10.2020 and quash the same as illegal and consequently direct the first respondent to register the sale deed dated 19.10.2020 presented by the petitioner for the registration and release the same to the petitioner.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.C.Sathees - for R1
Government Advocate

Mr.M.Senthil Ayyanar - for R2
Government Advocate

ORDER

The petitioner had presented a document for registration before the first respondent / Sub Registrar, Usilampatti. The first respondent had issued a communication to the second respondent, Assistant Commissioner, HR & CE Department, Madurai District on 19.10.2020 in petition No.P25/2020 to examine whether any 'No Objection Certificate' is required from the second respondent. On the



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same day / 19.10.2020 the check slip impugned in the present writ petition had been issued by the first respondent stating that the second respondent had not replied. There could not have been any possibility of any reply, since the letter was issued on the same date.

2. The impugned communication is therefore, set aside as there being no application of mind. If a communication is sent, then the first respondent should wait for a reasonable period of time to receive a reply and should not be in a hurry to refuse to register a document.

3. A direction is given to the first respondent to issue a fresh communication to the second respondent and wait for reasonable period of time and in the interregnum period, issue notice to the petitioner, conduct an enquiry and then take a considered decision on the basis of the document presented by the petitioner and on the basis of the reply given by the second respondent.

4. It is stated by the learned counsel for the petitioner that the second respondent had issued a separate communication to the



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petitioner, dated 19.08.2021 in Na.Ka.No.290/2021/Aa1. This document may also be presented by the petitioner before the first respondent. The first respondent is to take a decision on or before 13.04.2023.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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