



W.P.(MD)No.8215 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.8215 of 2021

and

W.M.P.(MD).No.6214 of 2021

Muthupandi

... Petitioner

Vs.

1.The Deputy Inspector General of Registration,
Registration Office,
Multi-Store Building,
Mannarpuram,
Trichy – 20.

2.The District Registrar,
District Registrar Office,
Cantonment,
Trichy – 1.

3.The Sub Registrar,
Sub Registrar Office,
Thiruverumbur,
Trichy District.

4.S.Asokan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the order passed by the second respondent vide proceedings in Mu.Mu.No:1115/A4/2020 dated 11.09.2020 and the consequent modified impugned order passed by the second respondent vide proceedings in Moo.Mu.No:4489/A4/2021 dated 25.03.2021 and quash the same as illegal and arbitrary.

For Petitioner : Mr.R.Karunanidhi

For R-1 to R-3 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-4 : Mr.R.Sakthivel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent through proceedings in Mu.Mu.No:1115/A4/2020 dated 11.09.2020 and the modified order passed by the second respondent in Moo.Mu.No:4489/A4/2021 dated 25.03.2021.

2. The issue that is involved in this Writ Petition was captured in the earlier order passed by this Court on 21.04.2021 and the same is extracted hereunder:



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“Mr.K.Sathiya Singh, learned Additional Government Pleader, takes notice for the respondents 1 to 3. Notice to the fourth respondent through Court as well as privately returnable by eight weeks.

2. The main issue that has been raised in this writ petition is that after the order passed on 11.09.2020, the fourth respondent seems to have made a representation on 24.03.2021 and based on the same, the subsequent modified order came to be passed on 25.03.2021. According to the petitioner, he was not put on notice and he was not heard before this order was passed. Even on a reading of the order dated 25.03.2021, it is evident that the petitioner has not been put on notice.

3. A prima facie case has been made out. There shall be an order of stay of the operation of the impugned order of the second respondent dated 25.03.2021 for a period of eight weeks. Post after eight weeks.”

3. Heard the learned counsel appearing on behalf of the petitioner, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.



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4. It is seen from the records that earlier the second respondent had passed the order dated 11.09.2020, directing the parties to workout their remedy before the competent civil Court. Subsequently, the second respondent has passed the impugned order dated 25.03.2021 directing the Sub-Registrar to entertain the documents submitted by the fourth respondent, if the fourth respondent is able to produce the relevant title deeds and establish his right and title over the property.

5. The impugned order has been passed pursuant to the matter being remanded back to the file of the second respondent by the Inspector General of Registration. When the matter is remanded back to the file of the second respondent, the second respondent is supposed to issue notice to the petitioner and hear them and thereafter pass orders. However, the second respondent has proceeded to straightaway pass the impugned order without putting the petitioner on notice. In view of the same, the petitioner has been put to prejudice and the petitioner is puzzled as to why all of a sudden the District Registrar had directed the documents to be registered when it is presented by the fourth respondent, when by virtue of the earlier order, the parties were directed to workout their remedy before the civil Court.



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6. The impugned proceedings of the second respondent dated 25.03.2021 is vitiated by non compliance of the principles of natural justice. On that ground, the order passed by the second respondent is hereby set aside. The matter is remanded back to the file of the second respondent. The second respondent is directed to issue notice to the petitioner and the fourth respondent and conduct an enquiry by affording them an opportunity. Final orders shall be passed within a period of three (3) months thereafter on its own merits and in accordance with law.

7. In the result, this Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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N.ANAND VENKATESH, J.

Nsr

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