



W.P.(MD) No.15305 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.15305 of 2022

N.Nagaraj

... Petitioner

VS.

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 the Sub Registrar,
Kallimanthayam,
Ottanchathiram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent, dated 01.04.2022 and quash the same as illegal and arbitrary and consequently, direct the second respondent to register the Settlement Deed presented by the petitioner, dated 01.04.2022.

For Petitioner : Mr.M.O.Thevan Kumar

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

The writ petition has been filed in the nature of Writ of Certiorarified Mandamus seeking interference with a refusal check slip issued by the second respondent/Sub Registrar, Kallimanthayam, Ottanchathiram, Dindigul District.

2.Let me not enter into any detailed discussion on the merits of the case, but a perusal of the order of the refusal check slip shows that only one reason given to the petitioner as 'பதிவு மறுக்கப்பட்டது'. It is not known why it was refused. The second respondent is not able to substantiate the said refusal by way of giving proper reason. The petitioner has a right to question the reason why the settlement deed stood refused to be registered by the second respondent. Any quasi judicial authority should give reasons to ensure that there is clarify in the order passed and every person affected, shall know why the order was passed. Therefore, the impugned order is straight away set aside.

3.The learned counsel for the petitioner drew the attention of this Court to the communication addressed by the Revenue Divisional Officer, Palani, to the second respondent/Sub Registrar, Kallimanthayam, dated 31.03.2023 in



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O.Mu.No.2410 of 2022/a5. The learned counsel stated that the petitioner has been issued patta.

4.The learned Government Advocate had forwarded written instructions stating that the land is classified as Boomithana land. But, the same is refuted by the learned counsel for the petitioner by placing reliance on the aforementioned communication by the Revenue Divisional Officer.

5.Let the petitioner also place on record this communication by the Revenue Divisional Officer and also the patta issued to the petitioner herein and the second respondent may afford an opportunity of personal hearing to the petitioner, to produce the sufficient documents and thereafter take a decision to register or not to register the document presented by the petitioner. The reason given as “பதிவு மறுக்கப்பட்டது” could not withstand the sanctity of the Court and the same is set aside.

6.A direction is given to the petitioner to represent the document. Necessary orders are to be passed within a period of two weeks from the date on which, the document is represented by the petitioner herein.



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WEB COPY 7. The Writ Petition stands allowed. No costs.

13.06.2023

Index : Yes / No

Internet : Yes / No

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C.V.KARTHIKEYAN,J.

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