



W.P.No.3558 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3558 of 2024

K.Raju

... Petitioner

versus

1.The Inspector General of Registration,

100, Santhome Road,

Chennai – 600 028.

2.The District Registrar (Administration),

The District Registrar Office,

S.S.Complex, Trichy Road,

Namakkal.

3.The Sub Registrar Joint-II,

Taluk Office Compound,

Namakkal.

4.Nandhini

5.K.Thangavel

....Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.05.2023 passed by the 1st respondent vide A.T.M.No.19076/U2/2023 and impugned order dated 21.02.2023 passed by the second respondent vide Na.Ka.No.704/A6/2023 and quashing the same and consequently directing the second respondent to cancel the documents registered before the Sub Registrar, Joint-II, Namakkal, Namakkal Registration District in Documents Nos.2235/2019 and 2325/2019.

For Petitioner : Mr.K.Vijayanand
For Respondents : Mr.R.Neethiperumal
Government Advocate
for R1 to R3

ORDER

Mr.R.Neethiperumal, learned Government Advocate accepts notice for respondents 1 to 3. Since this writ petition is being disposed of without passing any adverse orders against respondents 4 and 5 affecting their interest, notice to those respondents is dispensed with.

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2. This writ petition has been filed to quash the impugned order dated 30.05.2023 passed by the 1st respondent vide A.T.M.No.19076/U2/2023 and the impugned order dated 21.02.2023 passed by the second respondent vide Na.Ka.No.704/A6/2023 and consequently, direct the second respondent to cancel the documents registered before the Sub Registrar, Joint-II, Namakkal, Namakkal Registration District in Documents Nos.2235/2019 and 2325/2019.

3. The learned counsel for the petitioner contended that the petitioner has filed a petition before the second respondent/District Registrar (Administration) for cancellation of documents in Doc.Nos.2235/2019 and 2325/2019 on the file of the Sub Registrar, Joint-II, Namakkal, Namakkal Registration District, viz, the sale deeds executed by the fourth respondent in favour of the fifth respondent, by producing fraudulent Patta. However, the



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second respondent without taking into consideration the documents filed by the petitioner and without giving an opportunity of hearing and citing the pendency of civil dispute between the parties, dismissed the petition. Aggrieved over the same, the petitioner has preferred an appeal before the first respondent, however, the first respondent rejected the appeal at the threshold itself, as the appeal shall not lie against the dismissal order passed by the District Registrar. Since the respondents have violated the Principles of Natural Justice, the petitioner has no other option to invoke Article 226 of Constitution of India.

4. Heard both sides and perused the materials available on record.

5. From the submissions, this Court finds that the respondents are not in a position to say as to whether, the second respondent has passed the impugned order, after giving due opportunity of hearing to the petitioner or not. Hence, this Court is inclined to set aside the impugned orders dated

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30.05.2023 and 21.02.2023 passed by the first respondent and second respondent, respectively.

6. In the light of the above facts and circumstances and the submissions made by the learned counsel on either side, this Court at this stage, without expressing any view on merits, is inclined to pass the following orders :

(i) The orders impugned in this writ petition are set aside and the matter is remitted back to the second respondent, who shall pass orders afresh, after affording an opportunity of personal hearing to the petitioner and respondents 4 and 5 herein as well as interested parties/aggrieved parties/objector as the case may be, on merits and in accordance with law.

(ii) Such exercise shall be done by the second respondent within a period of three months from the date of receipt of a copy of this order.



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7. With the above directions the writ petition is allowed. However,

there shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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100, Santhome Road,
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2.The District Registrar (Administration),
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3.The Sub Registrar Joint-II,
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