



W.P.(MD).No.23991 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.23991 of 2017

and

W.M.P.(MD)No.20158 of 2017

K.Iyar Pandian

...Petitioner

Vs

1.The District Registrar,
O/o. The District Registrar of Registration,
Cheranmahadevi,
Tirunelveli District.

2.The Sub-Registrar,
O/o. The Sub-Registrar of Registration,
Papanasam Main Road,
Vickiramasasingapuram,
Ambasamuthiram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the impugned Order of Refusal passed by him vide his proceedings in Refusal No.2/2016 dated 09.11.2016 and the consequential impugned order of rejection passed by the first respondent on the petitioner's appeal



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vide his proceedings in Na.Ka.No.1116/Aa1/2016 dated 04.01.2017 and quash the both as illegal and arbitrary and thereby direct the respondents to register and release his document in Doc.No.20/2015 dated 13.07.2015 in the light of the order passed by this Court in W.P.No.4952 of 2011 dated 18.03.2011 as well as in W.P.(MD)No.23102 of 2015 dated 04.01.2016, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed challenging the impugned Order of Refusal passed by the second respondent dated 09.11.2016 and the consequential impugned order of rejection passed by the first respondent dated 04.01.2017 and to direct the respondents to register and release his document in Doc.No.20/2015 dated 13.07.2015 in the light of the order passed by this Court in W.P.No.4952 of 2011 dated 18.03.2011 as well as in W.P.(MD)No.23102 of 2015 dated 04.01.2016.



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WEB COPY 3. The issue raised in this writ petition is no longer *res integra*.

Similar issue has already been settled by the Hon'ble Division Bench of this Court in the decision reported in ***(2017) 3 CTC 135 [Sudha Ravi Kumar and another Vs. The Special Commissioner and Commissioner, Hindu Religious.***

4. Before issuing a refusal check slip, it is incumbent upon the Sub Registrar to issue notice to the parties and thereafter make an appropriate decision. However, in the present case, this procedure was not followed. In light of the judgment cited above, the matter is remitted back to the second respondent for fresh consideration. The second respondent is directed to conduct proper enquiry under Section 22-A of the Registration Act, after issuing notice to the revenue official concerned and after hearing the parties, shall pass appropriate orders, in accordance with the Division Bench decision cited above.



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5. Accordingly, this Writ Petition is allowed and the impugned orders are set aside and matter is remitted back to the second respondent for fresh consideration in consonance with the judgment stated supra. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

To:

- 1.The District Registrar,
O/o. The District Registrar of Registration,
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Tirunelveli District.
- 2.The Sub-Registrar,
O/o. The Sub-Registrar of Registration,
Papanasam Main Road,
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K.KUMARESH BABU, J.

Nsr

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