
(2000) 07 RAJ CK 0065

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1236 of 1999

Manohar Singh

APPELLANT

Vs

Sub. Registrar Mandal garh, Distt. Bhilwara

RESPONDENT

Date of Decision : 03-07-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 RLW 187 : (2000) 4 WLC 614 : (2000) 3 WLN 95

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Advocate : T.S. Champawat, for the Appellant; V. Vishnoi, for the Respondent

Judgement

Shethna, J.

(1). Only on the short ground of violation of principles of natural justice, the impugned order dated 20.3.99 (Annex.7) passed by the Sub-Registrar, Mandalgarh is required to be quashed and set aside as before passing that order, no opportunity was extended to the petitioner.

(2). However, an attempt was made by the learned counsel Mr. Vishnoi for the respondents that there was a mistake in passing the earlier order and the said mistake was rectified subsequently, therefore, no notice was required to be given to the petitioner.

(3). I am afraid that this submission of Mr. Vishnoi cannot be accepted because according to the respondents, it may be a mistake but it was a mistake for which the petitioner was required to be heard. If an opportunity was extended to the petitioner before passing the impugned order, he could have pointed out that no mistake was made earlier.

(4). Accordingly, this writ petition is allowed and the impugned order dated 20.3.99 is set aside.

(5). However, it is made clear that the respondent no.1 Sub- Registrar,

Mandalgarh is at liberty to pass fresh order only after extending an opportunity of hearing to the petitioner.

(6). Stay petition is also disposed of.