



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.11301 of 2018

and

W.M.P.(MD) No.10301 of 2018

M.Muthumani

... Petitioner

vs.

1.The Inspector General of Registration
Registration Department
100, Santhome High Road
Chennai

2.The Deputy Inspector General of Registration
Registration Department
Thirumoghur Road
Y.Othakadai, Madurai

3.The District Registrar
Registration Department
Theni District, Theni

4.The Sub Registrar No.II
Registration Department
Periyakulam, Theni District

5.Andavar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the fourth respondent herein not to release the pending document No.PK 13 of 2018, dated 24.04.2018 pending on his file which was executed by the fifth respondent in respect of the petitioner's properties comprised in Survey Nos.868, 867/4, 3102/1A2, 3102/1A1 of Tamaraikulam Bit-I Village and properties comprised in Survey Nos.1942, 1943/5, 1943/5B of Tamaraikulam Bit-II Village, Periyakulam Taluk, Theni District, by considering the petitioner's representation, dated 10.05.2018.

For Petitioner : Mrs.K.Vidya

For Respondents : Mr.M.Murugan
Government Advocate for R1 to R4
No appearance for R5

O R D E R

It is the grievance of the petitioner that her representation dated 10.05.2018 seeking not to release the pending document No.PK 13 of 2018, dated 24.04.2018, which was executed by the fifth respondent in respect of her properties comprised in Survey Nos.868, 867/4, 3102/1A2, 3102/1A1 of Tamaraikulam Bit-I Village and the properties comprised in Survey Nos.1942, 1943/5, 1943/5B of Tamaraikulam Bit-II Village, Periyakulam Taluk, Theni District, has not been considered by the official respondents till date and therefore, she has filed the present writ petition.

2. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

3. At this juncture, the learned Government Advocate, on instructions, submitted that based on the petitioner's representation, summons were issued to both the petitioner as well as the fifth respondent for an enquiry. However, neither the petitioner nor the fifth respondent had turned up for the enquiry and as such, there is no dereliction of duty on the part of the official respondents.

4. At this point of time, the learned counsel for the petitioner submitted that the petitioner is willing to cooperate with the enquiry. In view of such submission, it would be appropriate to grant a further opportunity to the petitioner to secure the ends of justice.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the fourth respondent to consider the petitioner's representation dated 10.05.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the fifth respondent and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. side)



To:

1.The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Registration Department,
Thirumoghur Road,
Y.Othakadai, Madurai.

3.The District Registrar,
Registration Department,
Theni District, Theni.

4.The Sub Registrar No.II,
Registration Department,
Periyakulam, Theni District.

+1cc to Special Government Pleader, SR.No. 66963

W.P.(MD) No.11301 of 2018

and

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05.06.2018

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JM/SV MMS/SAR 2/19.06.2018/3P/6C