



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2018

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14710 of 2018

A. Muthuvellai

... Petitioner

vs.

1. The District Registrar,
Office of the District Registrar,
Virudhunagar, Virudhunagar District.

2. The Sub Registrar,
Sub Registrar Office,
Thiruchuzhi,
Virudhunagar District.

3. Alagu Thevar

4. The Secretary,
Kalaimagal Sabha,
Tiruchengode Taluk,
Kumarapalayam,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents 1 and 2 to cancel the fraudulent sale deed dated 19.09.1997 as Document No.1164 of 1997 by considering the petitioner's representation dated 13.11.2017 in the light of the circular letter No.41530/U1/2017 dated 08.11.2017 issued by the Inspector General of Registration, Chennai.

For Petitioner : Mrs.A.S.Rajeswari

For Respondents

No.1 and 2 : Mr.M.Murugan

Government Advocate

O R D E R

Mr.M.Murugan. learned Government Advocate, takes notice for the respondents 1 and 2. Notice to the respondents 3 and 4 is dispensed with in view of nature of the order to be passed by this Court.

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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the grievance of the petitioner that his representation dated 13.11.2017 seeking to cancel the fraudulent sale deed dated 19.09.1997 has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

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4. 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.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 13.11.2017 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 conducting enquiry and giving due opportunity to the petitioner as well as to the respondents 3 and 4 and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

1. The District Registrar,
Office of the District Registrar,
Virudhunagar,
Virudhunagar District.
2. The Sub Registrar,
Sub Registrar Office,
Thiruchuzhi,
Virudhunagar District.

+ 1 CC TO Mr.A.S.RAJESWARI, ADVOCATE IN SR No. 71922

AAV

TE/PN/SAR-3 : 26/07/2018 : 2P/4C

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