



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.20604 OF 2021

K.Kotteswari

.. Petitioner

Versus

1. The Inspector of General of Registration,
No.100, Santhome High Road,
Chennai - 28.
2. The District Registrar,
O/o. District Registrar Office,
Pernpet (Saidapet),
Chennai.
3. The Sub Registrar,
O/o. Sub Registrar Office,
Avadi, Chennai - 54.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents to consider and dispose of the petitioner's representation dated 19.08.2021 within the time frame.

For Petitioner : Mr.D.Senthil Kumaar

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the first and second respondents to consider and dispose of the petitioner's representation dated 19.08.2021 within the time frame.



2. The case of the petitioner is that her father Ranganathan Mudaliyar and Kuppusamy Mudaliyar, originally owned and were in possession of the vacant land situated in No.42, Vellanur Village, Ambattur Taluk, Thiruvallur District, measuring an extent of 2 acre 24 cents, comprised in Survey No.303/2 of Vellanur Village (Present Survey No.303/2B1A). It is stated that the Revenue Authority issued joint patta in their favour bearing patta No.447. It is further stated that by way of oral partition entered into between the petitioner's father and Kuppusamy Mudaliyar, the petitioner's father got the land measuring an extent of 112 cents out of 2 acres 24 cents. It is stated that the petitioner's father was in possession and enjoyment of the said property since then. Later, the petitioner's father sold the land measuring an extent of 44 cents to third party and an extent of 68 cents was in possession and enjoyment of petitioner's father. It is stated that after the death of petitioner's father, the petitioner is in possession of the said property and was continuously paying the property tax to the concerned authority.

3. It is stated that during the month of January 2013, the petitioner came to understand that the revenue authorities have wrongly issued a UDR Patta bearing No.529 in favour of Vadivelu, Raji and Manoharan to the petitioner's property. It is further stated that a civil suit in O.S. No.212 of 2013 was filed by the Power agent of Manoharan against the petitioner and the District Munsif, Ambattur, dismissed the suit on 16.03.2018. Aggrieved by the dismissal order, the said Manoharan, through his power agent, filed a Civil Revision Petition in C.R.P. No.2993 of 2018 before this Court. This Court, by order dated 18.06.2019 dismissed the Civil Revision Petition.

4. It is stated that the petitioner have sent a representation to the respondents requesting them not to register any deeds in respect of the property comprised in Survey No.303/2B1A without hearing the petitioner. It is further stated that the petitioner submitted a protest petition to the third respondent requesting him not to register any deeds in respect of the property comprised in Survey No.303/2B1A without hearing the petitioner. Thereafter, the third respondent got registered documents in respect of the petitioner's property despite the representation of the petitioner. Hence, on 19.08.2021, the petitioner sent a representation to the respondents to take legal action against the third respondent. The grievance of the petitioner is that no action was taken on the representation by the respondents so far. Left with no other alternate remedy, the petitioner approached this Court by way of filing this Writ Petition.



5. Learned counsel for the petitioner submitted that the respondents failed to discharge their duties. He further submitted that it is well settled legal proposition that if a statutory authority is required to do a thing in a particular manner, the same must be done in that manner and the State and other authorities while acting under the statute are only creature of stature. Therefore, the respondents 1 and 2 are bound to follow the statutory procedure. He submitted that the respondents 1 and 2 ought to have considered the petitioner's representation dated 19.08.2021.

6. Learned Government Advocate appearing for the respondents submitted that this Court may direct the respondents to consider the petitioner's representation dated 19.08.2021, and the respondents may consider the same and pass orders.

7. Without expressing any opinion on the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 19.08.2021, and pass appropriate orders on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Inspector of General of Registration,
No.100, Santhome High Road,
Chennai - 28.
2. The District Registrar,
O/o. District Registrar Office,
Pernpet (Saidapet), Chennai.
3. The Sub Registrar,
O/o. Sub Registrar Office,
Avadi, Chennai - 54.

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.55441

+1cc to the Government Pleader, S.R.No.56222

W.P.No.20604 of 2021

PL(CO)

RLP(11/02/2022)