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W.P.No.1486, 1489, 1491, 1495 and 1496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.1486, 1489, 1491, 1495 and 1496 of 2023

N.Vellaichami	...Petitioner in W.P. No.1486 of 2023
N.Suresh	...Petitioner in W.P. No.1489 of 2023
K.Gopinath	...Petitioner in W.P. No.1491 of 2023
P.Azhagan	...Petitioner in W.P. No.1495 of 2023
K.Veeraghavan	...Petitioner in W.P. No.1496 of 2023

Vs

1. Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Chennai – 600 028.
2. The District Registrar (Administration),
Chengalpet District,
10, Kancheepuram Main Road,
Chengalpattu – 603 002.
3. The District Registrar (Audit),
Chengalpet District,
10, Kancheepuram Main Road,
Chengalpattu – 603 002.

...Respondents in all cases



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PRAYER in W.P. No.1486 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the prohibition of sale in furtherance of Document No.15295/2019 & 15297/2019 registered on the file of SRO, Chengalpet Joint II and consequently remove the entry that no further sale will be conducted to the property belonged to PACL Company in pursuance of letter issued by the Inspector General of Registration vide letter No.7842/C1/2022-2 dated 05.03.2022 and vide Circular No.27150/C3/2020 dated 24.12.2020 in the Encumbrance Certificate in respect of the property purchased by the petitioner through document No.15295/2019 and 15297/2019 registered on the file of SRO, Chengalpet Joint II.

PRAYER in W.P. No.1489 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the prohibition of sale in furtherance of Document No.15292/2019 and consequently remove the entry bearing “that no further sale will be conducted to the property belonged to PACL Company in pursuance of letter issued by the Inspector General of Registration vide letter No.7842/C1/2022-2 dated 05.03.2022 and vide Circular No.27150/C3/2020 dated 24.12.2020 in the Encumbrance Certificate in respect of the property purchased by the petitioner through document No.15292/2019.

PRAYER in W.P. No.1491 of 2023: Writ Petition filed under Article 226



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of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the prohibition of sale in furtherance of Document No.15293/2019 and consequently remove the entry “that no further sale will be conducted to the property belonged to PACL Company in pursuance of letter issued by the Inspector General of Registration vide letter No.7842/C1/2022-2 dated 05.03.2022 and vide Circular No.27150/C3/2020 dated 24.12.2020 in the Encumbrance Certificate in respect of the property purchased by the petitioner through document No.15293/2019.

PRAYER in W.P. No.1495 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the prohibition of sale in furtherance of Document No.15294/2019 and consequently remove the entry “that no further sale will be conducted to the property belonged to PACL Company in pursuance of letter issued by the Inspector General of Registration vide letter No.7842/C1/2022-2 dated 05.03.2022 and vide Circular No.27150/C3/2020 dated 24.12.2020” in the Encumbrance Certificate in respect of the property purchased by the petitioner through document No.15294/2019.

PRAYER in W.P. No.1496 of 2023: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to remove the prohibition of sale in furtherance of Document No.15296/2019 and consequently remove the entry “that no



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further sale will be conducted to the property belonged to PACL Company in pursuance of letter issued by the Inspector General of Registration vide letter No.7842/C1/2022-2 dated 05.03.2022 and vide Circular No.27150/C3/2020 dated 24.12.2020” in the Encumbrance Certificate in respect of the property purchased by the petitioner through document No.15296/2019.

For Petitioners : Mr.R.Singaravelan,
Senior Counsel for
Mr.T.M.Mano

For Respondents : Ms.Akila Rajendran,
Government Advocate

COMMON ORDER

Heard Mr.R.Singaravelan, representing for Mr.T.M.Mano, learned counsel for the petitioners and Ms.Akila Rajendran, learned Government Advocate for the respondents.

2.The petitioners herein had given a representation to the respondents on 30.09.2022 to conduct a thorough enquiry for removal of entry in respect of the property purchased by the petitioners. Since the said representation was not considered, the present writ petitions have been filed.

3.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to



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consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. With the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation dated 30.09.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order, in the light of the third respondent's report dated 25.11.2022.



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M.S.RAMESH,J.

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5.It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petitions stand disposed of.

No costs.

13.04.2023

Index: Yes/No

Speaking order/Non-speaking order

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To

1. Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
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