



W.P.No.639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.639 of 2023

B. Nandakumar

... Petitioner

Vs.

- 1.The District Registrar,
Tirupathur Registration District,
4th Floor, District Collectorate Office,
Tirupathur District
- 2.Senbagavalli
- 3.Nagalakshmi
- 4.Samthi
- 5.Govidasamy
- 6.K. Samraj
- 7.Radjabai
- 8.Amsa Bai
- 9.R. Lakshmi
- 10.M/s.Rightway Developers Private Limited,
Rep. by its Director Shabbeer Ahmed,
843, Madurai Ismail Sahib Street,
Khaderper, Vaniyambadi Town,
Tirupattur District.
- 11.D. Ranganathan



W.P.No.639 of 2023

12.Selvam

13.Kalaimani

14.G. Rangarajan

15.Nirmalashanmugasundaram

16.Pandiya Kumar

... Respondents

[R13 to R16 impleaded vide order dated 01.03.2023 made in WMP.No.1727/2023 in WP.No.639/2023 by R.S.K. J.,]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's last representation dated 23.12.2022 in light of the order passed by this Court made in second appeal in S.A.Nos.602 & 603 of 2018 dated 24.01.2019 within the time fixed by this Court.

For Petitioner : Mr.B. Manoharan

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader [R1]

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the first respondent. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.No.639 of 2023

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2. The petitioner herein had given representation on 23.12.2022 to the first respondent, requesting for cancellation of encumbrances created pending civil proceedings, as per the common order in SA.Nos.602 & 603 of 2018. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to 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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the first respondent, to consider the petitioner's representation dated



W.P.No.639 of 2023

23.12.2022, after giving due opportunities to the petitioner, as well as the respondents 2 to 16 and any other persons who may be interested in the subject matter, on its own merits and pass appropriate orders in the light of the judgments and decrees passed in the Civil Court, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

09.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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W.P.No.639 of 2023

To

The District Registrar,
Tirupathur Registration District,
4th Floor, District Collectorate Office,
Tirupathur District



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W.P.No.639 of 2023

M.S.RAMESH, J.

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W.P.No.639 of 2023

09.03.2023