



W.P.No.10176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.10176 of 2023**

K.Shankar

...Petitioner

Vs

1.The District Registrar,  
Thiruvallur Registration Office,  
M.V.Street, Thiruvallur - 602 001.

2.The Sub-Registrar,  
Avadi Sub-Registrar Office,  
No.43FH+46Q, Anna Nagar Main Road,  
Martin City, Dheenadayalan Nagar,  
Pattabiram, Chennai - 600 054.

3.Revathy

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> and 2<sup>nd</sup> respondents to consider the representation dated 19.11.2022 of the petitioner and conduct enquiry and pass suitable order within a time frame.

|                |                                                       |
|----------------|-------------------------------------------------------|
| For Petitioner | : R.Damodaran                                         |
| For R1 & R2    | : Mr.Yogesh Kannadasan,<br>Special Government Pleader |



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**ORDER**

Heard R.Damodaran, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 and 2.

2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due opportunity to the third respondent, notice to the third respondent is dispensed with.

3. The petitioner had given a representation dated 19.11.2022 to the first and second respondents seeking for cancellation of the document No.176 of 2010. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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 consider the representation on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As



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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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.11.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due notice and opportunity to the third respondent herein and the persons who had executed the sale deed, as well as the beneficiaries and the witnesses to the deed of conveyance and any 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. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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**M.S.RAMESH,J.**

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6. With the above direction, the Writ Petition stands disposed of.

No costs.

**31.03.2023**

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

hvk

To

1. The District Registrar,  
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M.V.Street, Thiruvallur - 602 001.

2. The Sub-Registrar,  
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