



W.P.No.7789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Mr.P.Sekar

...Petitioner

Vs

- 1.The Registrar of Cooperative Societies (Housing), No.900/38, Rithedren Road, Vepery, Chennai-7.
- 2.The Deputy Registrar of Cooperative Societies (Housing), No.55, Medavakkam Tank Road, Kellys, Kilpauk, Chennai-10.
- 3.The Inspector General of Registration, 100, Santhome High Road, Mullima Nagar, Madavelipakkam, Raja Annamalai Puram, Chennai-28.
- 4.The District Registrar, District Registrar Office (North), No.1, Moorthikallane, 1st Line Beach, Chennai-1.
- 5.The Sub-Registrar, Sub-Registration Office, Pursaiwalkam Office, 6/13



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Portious Road, Ayyanavaram,
Chennai-23.

6.Mrs.S.Loganayaki
7.Mr.Logachandar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 5 to consider the petitioner's representation dated 26.10.2021 for taking appropriate action to cancel the sale deeds Document Nos. 1) 1195 of 2015 dated 11.03.2015 and 2) 2898 of 2015 dated 26.06.2015 and the same were registered before the Sub-Registrar Pursaiwalkam Office, 6/13, Portious Road, Ayyanavaram, Chennai-23 within a time frame fixed by this Court.

For Petitioner : Mr.G.Mutharasu

For Respondents 1 to 5 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 5. Since this Court is directing the third respondent to consider the petitioner's representation, after giving due notice and opportunity to



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respondents 6 and 7, notice to respondents 6 and 7 is dispensed with.

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2. The petitioner had given a representation dated 26.10.2021 to respondents 1 to 5 seeking to take steps to cancel two sale deeds. Since the said representation has not yet been considered, the above Writ Petition has 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 the official respondents to consider the same on its own merits and pass appropriate orders 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 observations, there shall be a direction to the third respondent herein to consider the petitioner's representation



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dated 26.10.2021 in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to 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.

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

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

RS/hvk



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M.S.RAMESH,J.

RS/hvk

To

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- 4.The District Registrar, District Registrar Office (North), No.1, Moorthikallane, 1st Line Beach, Chennai-1.
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