



W.P.No.7009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7009 of 2023

G.Venkatesan

...Petitioner

Vs

1.The District Registrar,
Registration Department,
Rengapalayam, Erode,
Erode District - 638 009.

2.The Sub Registrar,
Bhavani Sub Registrar Office,
Erode District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondents to dispose the petitioner's representation dated 31.12.2022 under Section 77A of the Registration Act.

For Petitioner : Mr.A.Velmurugan

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER



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WEB COPY With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 31.12.2022, seeking for cancellation of the power of attorney and the gift deed. Since the said representation was not considered, the present 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 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 Constitution of India and direct them to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 31.12.2022, as per the procedure contemplated under Section 77A of the Registration Act, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.

06.03.2023

Index:Yes/No
Speaking order/Non-speaking order
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M.S.RAMESH,J.

hvk

To

- 1.The District Registrar,
Registration Department,
Rengapalayam, Erode,
Erode District - 638 009.
- 2.The Sub Registrar,
Bhavani Sub Registrar Office,
Erode District.

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