



W.P.No.8083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8083 of 2023

Syed Begum

Vs

...Petitioner

- 1.The Registrar/Inspector General
of Registration, Santhome High Road,
Mylapore, Chennai-4.
- 2.The District Registrar,
Perambalur, Perambalur District.
- 3.The Sub-Registrar,
Sub-Registrar Office,
Valikandapuram, Perambalur.
- 4.The Tahsildar, Kunnamm Taluk,
Perambalur District.
- 5.The Village Administrative Officer,
Pennakonam North Revenue
Village, Kunnamm Taluk,
Perambalur District.
- 6.The Superintendent of Police,
Perambalur, Perambalur District.
- 7.The Inspector of Police, District
Crime Branch, Perambalur District.



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...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to forthwith to conduct enquiry regarding fraudulent registration made by the 8th respondent in respect of the property comprised in New Survey No.242/9B, Old Survey No.140/1 and in New Survey No.143/39A, Old Survey No.143/1 bearing patta No.1262 in Labbaikudikadu Municipality, Pennakonam North Revenue Village, Kunnam Taluk, Perambalur District by considering the petitioner's representation dated 02.10.2022 within a stipulated time.

For Petitioner : Ms.T.Dharani

For Respondents 1 to 7 : 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 7. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due notice and opportunity to the eighth respondent, notice to the eighth respondent is dispensed with.



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2. The petitioner had given a representation dated 02.10.2022 to various officials including respondents 1 to 3 and 6 seeking to conduct an enquiry and pass appropriate orders in respect of the fraudulent registration made by the eighth respondent and others. 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 first respondent herein to consider the petitioner's representation



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dated 02.10.2022, 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.

16.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

1.The Registrar/Inspector General
of Registration, Santhome High Road,
Mylapore, Chennai-4.

2.The District Registrar,
Perambalur, Perambalur District.



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M.S.RAMESH,J.

RS/hvk

- 3.The Sub-Registrar,
Sub-Registrar Office,
Valikandapuram, Perambalur.
- 4.The Tahsildar, Kunnam Taluk,
Perambalur District.
- 5.The Village Administrative Officer,
Pennakonam North Revenue
Village, Kunnam Taluk,
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