



W.P.No.7157 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.7157 of 2023

1.Rajeswari Iyer

2.Uma Shankar

...Petitioners

Vs

1.The District Registrar,
Chennai South,
Integrated Building for Offices
of the Commercial Taxes and
Regn Dept, Fanepet, Nandanam,
Chennai - 600 025.

2.The Sub-Registrar,
The Office of Sub-Registrar,
V2QH+236, K.R.Puram,
Padappai, Chennai - 601 301.

3.K.Perumal

4.K.Masilamani

5.K.Shanmugam

6.Thangavelu

7.K.Lakshamanan



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8.K.Jayalakshmi

9.P.Rajendiran

10.M.Nagarathinam

11.L.Dev @ Devarajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to conduct an enquiry pursuant to the representation dated 30.12.2022 summoning the respondents 3 to 11 and consequently cancel the sale deed dated 30.03.2007 as null and void.

For Petitioners : Ms.R.Kamala Rani

For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Ms.R.Kamala Rani, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first and second respondents.

2. Since this Court is directing the first respondent to consider the petitioners' representation, after giving due notice and opportunity to the



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respondents 3 to 11, notice to the respondents 3 to 11 is hereby dispensed with.

3. The prayer in the present Writ Petition is for a direction to the first respondent to conduct an enquiry by summoning the respondents 3 to 11 and to cancel the sale deed. In this regard, the first petitioner herein had given a representation to the first respondent on 30.12.2022. The said representation has not been considered till date.

4. It is needless to point out that whenever an 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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5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the first petitioner's representation dated 30.12.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due notice to the respondents 3 to 11 herein, 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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