



W.P.No.6724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6724 of 2023

P.Sathyabama

...Petitioner

Vs

1. Inspector General of Registration,
Registration Department, No.100,
Santhome High Road, Pattinapakkam,
Chennai-28.

2. The District Registrar, South Madras
Register Officer, Combined
Commercial Tax Building,
Nandanam, Chennai-35.

3. The Sub-Registrar, Pallavaram
Sub-Register Office, Pallavaram,
Chennai-43.

4. Mr. T.T. Vinayagaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondent 1 to 3 to consider the petitioner's representation dated 05.01.2023 pertaining to removal of fraudulent sale deed document No.7944/2014 dated 17.09.2014 in Survey No.13, New Survey No.13/2A, Kovilambakkam



W.P.No.6724 of 2023

Village, Pallikaranai Firka Tambaram Taluk (at present Sholinganallur Taluk), Kancheepuram District at present Chengalpattu District as total extent of 0.75 out of 100 Cent or 0.1 Acre registered at the office of 3rd respondent and make appropriate entries in the encumbrance registered disposed the same in light of judgment passed by this Court in W.P.No. 6272/2022 dated 17.04.2022.

For Petitioner : Mr.K.Natarajan

For Respondents 1 to 3 : Mr.Yogesh Kannadasan,
Special Government Pleader

For Respondent-4 : Mr.S.Anburaja

ORDER

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

2. The petitioner had given a representation dated 05.01.2023 to respondents 1 to 3 seeking to take action under Section 77-A of the Tamil Nadu Registration Act to cancel the fraudulent document, which was registered in favour of the fourth respondent. Since the said representation has not yet been considered, the Writ Petition has been filed.



W.P.No.6724 of 2023

WEB COPY

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 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 him 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 dated 05.01.2023 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



W.P.No.6724 of 2023

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.

29.03.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. Inspector General of Registration,
Registration Department, No.100,
Santhome High Road, Pattinapakkam,
Chennai-28.

2. The District Registrar, South Madras
Register Officer, Combined
Commercial Tax Building,
Nandanam, Chennai-35.

3. The Sub-Registrar, Pallavaram
Sub-Register Office, Pallavaram,
Chennai-43.

RS/SNI



WEB COPY



W.P.No.6724 of 2023

M.S.RAMESH,J.

RS/SNI

W.P.No.6724 of 2023

29.03.2023