



W.P.No.8830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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V.Dayalan

...Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Krishnagiri-635001.

2.The Sub-Registrar,
Sub-Registrar Office,
Hosur-635109.

3.Mr.P.Sudhakar Reddy

4.Mr.V.Karthi

5.Mr.Harishkumar

6.Mr.N.Mohan Babu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 04.06.2022 for rectification of errors crept in the Encumbrance Certificate in respect of the land to an extent of 3.39 acres comprised in Survey Nos.759/3 and 759/3B2, Nallur Village, Hosur Taluk, Krishnagiri District within the time stipulated by this Court.



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For Petitioner : Mr.R.Bharath Kumar

For Respondents 1 & 2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing the first respondent to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondents is dispensed with.

2. The prayer sought for in the present Writ Petition is to direct the first respondent to consider the petitioner's representation dated 04.06.2022 to rectify the mistakes crept in the encumbrance certificate in respect of the land comprised in Survey Nos.759/3 and 759/3B2, Nallur Village, Hosur Taluk, Krishnagiri District measuring an extent of 3.39 acres.

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 him to



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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 04.06.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondents herein, as well as all other persons who may be interested in the subject property, within a period of eight 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.



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M.S.RAMESH,J.

RS/SNI

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Registrar,
District Registrar Office,
Krishnagiri-635001.

2. The Sub-Registrar,
Sub-Registrar Office,
Hosur-635109.

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