



W.P.No.10148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10148 of 2023

R. Sekar

... Petitioner

Vs.

1.The District Registrar,
North Chennai,
Chennai.

2.The District Registrar,
Tiruvallur District.

3.The Sub-Registrar,
Red Hills,
Tiruvallur District.

4.K.L. Kiran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein, to pass orders on the representation of the petitioner dated 01.11.2021 for cancellation of the sale deed dated 19.05.2016 registered as document No.4170 of 2016 on the file of the Sub Registrar, Redhills to and in favour of K.L. Kiran for having forged the document in respect of the property measuring 16.9 cents of land comprised in



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Survey No.103/7, Chenrambakkam Village, Ponneri Taluk, Tiruvallur

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District as per Section 77-A of the Registration Act.

For Petitioner : Mr.V. Kannan

For R1 to R3 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.V. Kannan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

2. Since this Court is directing the respondents 1 to 3, to consider the petitioner's representation, after giving due notice and opportunity to the fourth respondent, notice to the fourth respondent is hereby dispensed with.

3. The petitioner herein had given representation on 01.11.2021 to the first respondent, requesting him to take necessary action against some persons for having committed forgery and to secure his property from illegal hands. Subsequently, the first respondent has forwarded



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the representation of the petitioner to the third respondent on 15.11.2021, for taking necessary action and on 29.11.2022, the second respondent has sent the letter to the third respondent, calling for the original documents. Since there was no further progress in the matter, the present Writ Petition has been filed.

4. 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 respondent 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 the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein, to consider the petitioner's representation dated 01.11.2021, in accordance with the procedure



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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 (12) 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.

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

No costs.

03.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To



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Chennai.
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M.S.RAMESH, J.

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