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W.P.No.7332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7332 of 2023
and W.M.P.No.7416 of 2023

C. Ekambaram

... Petitioner

Vs.

1.The District Registrar,
Chennai South Registration District,
Integrated Building for Offices of the
Commercial Taxes and Registration,
Department Fanepet, Nandanam,
Chennai – 600 035.

2.The Sub Registrar,
Joint-II, Chennai South SRO,
Integrated Building for Offices of the
Commercial Taxes and Registration,
Department Fanepet, Nandanam,
Chennai – 600 035.

3.A. Haji Ali

4.Reliance Home Finance Ltd.,
10A, 2nd Floor, Sony Buildings,
Haddows Road, Nungambakkam,
Chennai – 600 034.

... Respondents



W.P.No.7332 of 2023

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose petitioner's petition dated 08.02.2023 for cancellation of sale deed within the time fixed by this Court.

For Petitioner : Mr.B. Manoharan

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

ORDER

Heard Mr.B. Manoharan, 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 dispose of the petitioner's petition, after giving due notice and opportunity to the third and fourth respondents, notice to the respondents 3 & 4, is hereby dispensed with.

3. The petitioner herein had given a petition on 08.02.2023 to the first respondent, seeking for cancellation of Sale Deed obtained



W.P.No.7332 of 2023

fraudulently. Since the said petition was not considered, the present

Writ Petition has been filed.

4. It is needless to point out that whenever a petition of this nature is made to an 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 petition by the concerned 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 first respondent herein, to dispose of the petitioner's petition dated 08.02.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had done the registration, as well as the beneficiaries and the witnesses to the deed of conveyance and any other persons who may



W.P.No.7332 of 2023

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 first respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands ordered. No costs. Connected miscellaneous petition is closed.

16.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To



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M.S.RAMESH, J.

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