



W.P.No.7921 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7921 of 2023

Arulsamy

...Petitioner

Vs

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

2.The District Registrar (Administration),
Office of the Registration Department,
Ariyalur,
Ariyalur District.

3.The Sub-Registrar,
Sub-Registrar Office,
Aandimadam,
Ariyalur District.

4.Juliana Sheela

5.Loordhusamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents No.1 to 3 to



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cancel the Sale Deed vide Document No.2687/2014 and 2456/2021 on the file of the third respondent in connection with Survey No.263/6, New Survey No.263/6B to an extent of 882 sq.ft. situated at Aandimadam Village & Taluk, Ariyalur District, as per Circular No.41530/U1/2017 dated 31.07.2018 and Circular No.20217/U1/2021 dated 09.07.2021 issued by the first respondent, based on the petitioner's representation dated 22.01.2022 within the time frame stipulated by this Court.

For Petitioner : Mr.A.Murthy
For R1 to R3 : Mr.Yogesh Kannadasan,
Special Government Pleader
For R4 & R5 : No appearance

ORDER

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

2. There is no appearance for respondents 4 and 5.

3. The petitioner had given a representation dated 22.01.2022 to cancel the Sale Deed vide Document Nos.2687/2014 and 2456/2021 in



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connection with Survey No.263/6, New Survey No.263/6B to an extent of 882 sq.ft., situated at Aandimadam Village & Taluk, Ariyalur District.

Since the said representation was not considered, 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 him 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.

5. In the light of the above observations, there shall be a direction to the official respondents to consider the petitioner's representation dated 22.01.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to respondents 4 and 5 herein and the persons who had executed the sale



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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.

6.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.

7. 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

vga



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To

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M.S.RAMESH,J.

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