



W.P.No.7417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7417 of 2023

V. Prabakaran

... Petitioner

Vs.

1.The District Registrar,
O/o. District Collector Office,
3rd Floor, B-Block,
Ranipet District – 632 401.

2.K. Ramesh Babu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 10.01.2023 to cancel the release deed within a stipulated time period fixed by this Court.

For Petitioner : Mr.J. Rajmohan

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



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ORDER

Heard Mr.J. Rajmohan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first respondent.

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

3. The petitioner herein had given representation on 10.01.2023 to the first respondent, seeking for cancellation of the release deed. 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 the respondent to consider the same on its own merits and pass appropriate



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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 first respondent herein, to consider the petitioner's representation dated 10.01.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the release 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.



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M.S.RAMESH, J.

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6. With the above direction, the Writ Petition stands ordered. No costs.

09.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

The District Registrar,
O/o. District Collector Office,
3rd Floor, B-Block,
Ranipet District – 632 401.

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