



W.P.No.7104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Kavitha

...Petitioner

Vs

1. The District Registrar,
Combined Registration Office,
South Chennai Registration District,
Chennai-600 035.

2. The Tahsildar,
Tahsildra Office,
Tambaram,
Kancheepuram District.

3. The Sub Registrar,
Sub Registrar Office,
Padappai,
Kancheepuram District.

4. Priya

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to cancel the forged document which was registered by fraud by the 4th respondent vide document No.2206/2021 dated 19.03.2021 pending on the file of the third respondent pursuant to the petitioner's representation dated 03.01.2022.



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For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.Yogesh Kannadasan
Spl.G.P
For R.1 to R.3

ORDER

By consent of both the parties, the main writ petition has been taken up for final disposal.

2. The petitioner herein had given a representation to the first respondent on 03.01.2022 seeking for a direction to cancel the forged document, which was registered by fraud by the 4th respondent vide document No.2206/2021 dated 19.03.2021. Since the said representation was not considered, the present writ petition has been filed.

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 the respondents 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



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to consider the same within a stipulated time.

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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 03.01.2022 in accordance with the procedure contemplated under Section 77A of the Indian Registration Act, 1908 within a period of three months from the date of receipt of a copy of this order, after giving opportunity to the petitioner as well as all the interested persons. 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.

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
sr



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M.S.RAMESH,J.

sr

To

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Combined Registration Office,
South Chennai Registration District,
Chennai-600 035.
2. The Tahsildar,
Tahsildra Office,
Tambaram,
Kancheepuram District.
3. The Sub Registrar,
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