



W.P.No.9021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Hariharan

...Petitioner

Vs

1.The District Registrar (Administration),
Chengalpattu South Registration District,
Chengalpattu District.

2.The Sub-Registrar,
Office of the Sub-Registration Office,
Sriperumbadur,
Kancheepuram District.

3.Ganesan

4.Sadagopan

5.Murugadass

6.Amsa

7.Vasantha

8.Rukmani

9.Devika



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10.Shanthi

11.Kamala

12.Shakeela

13.Nalini

14.Sujatha

15.Vairamani

16.Rathinavalli

17.Pandiyaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 21.10.2022 submitted by the petitioner and conduct an enquiry for cancellation of the bogus documents in Doc.No.13032 of 2006, dated 26.06.2006, Doc.No.2995 of 2009, dated 15.04.2009, Doc.No.7434 of 2018, dated 24.08.2018, Doc.No.2687 of 2020, dated 06.07.2020, Doc.No.3785 of 2021, dated 23.03.2021 created among the respondents 3 to 17.

For Petitioner : Mr.M.Elumalai

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



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ORDER

Heard Mr.M.Elumalai, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 and 2.

2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due opportunity to the respondents 3 to 17, notice to the respondents 3 to 17 is hereby dispensed with.

3. The petitioner had given a representation dated 21.10.2022 to the first respondent seeking for cancellation of the bogus documents. 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,



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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 21.10.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the respondents 3 to 17 herein and 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 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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6. With the above direction, the Writ Petition stands disposed of.

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No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

hvk

To

1.The District Registrar (Administration),
Chengalpattu South Registration District,
Chengalpattu District.

2.The Sub-Registrar,
Office of the Sub-Registration Office,
Sriperumbadur,
Kancheepuram District.



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M.S.RAMESH,J.

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