



W.P.No.8046 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8046 of 2023

Mangaiyarkarasi

...Petitioner

Vs

1.The Deputy Inspector General
of Registration, South Chennai,
Nandanam, Chennai-35.

2.The District Registrar,
Thiruvallur, Thiruvallur District.

3.The Sub-Registrar,
Sub-Registrar Office,
Avadi, Chennai. Thiruvallur District.

4.Shamilath Jamanludheen

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to hold an enquiry and cancel the sale deed in Document No.16913 of 2022 dated 13.10.2022 on the file of Sub Registrar, Avadi, Chennai-54 - the third respondent herein by considering the representation dated 06.02.2023 on the file of 1st and 2nd respondents herein.



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For Petitioner : Mr.R.Sankarasubbu

For Respondents 1 to 3 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for respondents 1 to 3. Since this Court is directing the second respondent to consider the petitioner's representation, after giving due notice and opportunity to the fourth respondent, notice to the fourth respondent is dispensed with.

2. The petitioner had given a representation dated 06.2.2023 to respondents 1 to 3 seeking to conduct an enquiry and cancel the sale deed dated 13.10.2022. Since the said representation has not yet been considered, the above 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 official respondents to consider the same on its own merits and pass appropriate orders one way or other, instead of keeping the same pending



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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.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 06.02.2023 in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons, who had executed the 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.

5. With the above direction, the Writ Petition stands ordered. No



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costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. The Deputy Inspector General
of Registration, South Chennai,
Nandanam, Chennai-35.
2. The District Registrar,
Thiruvallur, Thiruvallur District.
3. The Sub-Registrar,
Sub-Registrar Office,
Avadi, Chennai. Thiruvallur District.

RS/hvk



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M.S.RAMESH,J.

RS/hvk

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