



W.P.No.8242 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.8242 of 2023**

N.Manoharan

...Petitioner

Vs

1.The District Registrar,  
Office of District Registrar,  
Tiruvallur District.

2.M.Mohan  
3.Sampath Kumar  
4.D.Suchitra  
5.M.Kumaran  
6.L.Ramadoss  
7.Devaram  
8.Babu  
9.Vijaya  
10.Krishnasamy

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to conduct a detailed enquiry and cancel the General Power of Attorney Deed dated 31.05.2006, Sale Deed dated 09.06.2006, Sale Deed dated 21.10.2009, General Power of Attorney Deed dated 25.04.2011, Sale



W.P.No.8242 of 2023

Deed dated 29.10.2012 and Settlement Deed dated 25.02.2021 after affording a personal hearing to the parties concern based on the petitioner representation dated 28.11.2022 within the time stipulated by this Court.

For Petitioner : Mr.M.Raja

For R1 : Mr.Yogesh Kannadasan,  
Special Government Pleader

### **ORDER**

Heard Mr.M.Raja, learned counsel appearing 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 respondents 2 to 10, notice to the respondents 2 to 10 is hereby dispensed with.

3. The petitioner had given a representation dated 28.11.2022 to the first respondent, seeking for cancellation of the registered General Power of Attorney Deeds, Sale Deed and Settlement Deed. Since the said



W.P.No.8242 of 2023

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 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 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 28.11.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the General Power of Attorney Deeds, Sale Deeds and Settlement Deeds, as well as the beneficiaries and the



W.P.No.8242 of 2023

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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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

**16.03.2023**

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

hvk

To

The District Registrar,  
Office of District Registrar,  
Tiruvallur District.



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W.P.No.8242 of 2023

**M.S.RAMESH,J.**

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**W.P.No.8242 of 2023**

16.03.2023