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W.P.No.7912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7912 of 2023

1.Prakash

2.Poongothai

3.Sellammal

... Petitioners

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2. District Registrar,
Tiruppur, No.1/529, Nerupperichal Village,
Pooluvapatti Post,
Tiruppur - 641 602.

3. Sub-Registrar of Udumalaipettai,
21, Katcheri Street,
Taluk Office Campus,
Udumalaipettai - 642 126.

4. Revenue Divisional Officer,
Udumalaipettai RDO Office,
Udumalaipettai, Tiruppur - 642 126.

5. Superintendent of Police,
The Office of the Superintendent of Police,
Angeripalayam Main Road,
Tiruppur - 641 603.



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6.Urmila Sridhar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 to 5 to also consider the representation of the petitioner dated 01.11.2022 and take appropriate action in accordance with law.

For Petitioners : Mr.Niranjan Rajagopalan

For R1 to R5 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.Niranjan Rajagopalan, learned counsel appearing for the petitioners and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 5.

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

3. The petitioners had given a representation dated 01.11.2022 to the respondents, seeking for cancellation of the registered sale deed. Since



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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 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 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 petitioners' representation dated 01.11.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the 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 eight (8) weeks



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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 petitioners 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 ordered. No costs.

14.03.2023

Speaking order/Non-speaking order

Index:Yes/No

Internet: Yes/No

Neutral Citation:Yes/No

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M.S.RAMESH,J.

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