



W.P.No.8129 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.8129 of 2023

Mrs.D.Saraswathi

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome Road,
Chennai-28.

2.The Deputy Inspector General of
Registration, 100, Santhome Road,
Chennai-28.

3.The District Registrar (Administration),
Office of the Registration Department,
Chengalpattu-603002.

4.The Sub-Registrar,
Sub-Registrar Office,
Sriperumbudur-602105.

5.The Sub-Registrar,
Sub-Registrar Office,
Sunguvarchatram-602106.

6.S.Ganesan

7.G.Rukmahasan

8.M.Saravanan

9.N.Karunagaraj

...Respondents



W.P.No.8129 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to dispose of her representation 01.03.2023 regarding fraudulent registration expeditiously with a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Arunkumar

For Respondents 1 to 5 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 5. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due notice and opportunity to the all concerned, notice to respondents 6 to 9 is dispensed with.

2. The petitioner had given a representation dated 01.3.2023 to respondents 1 to 5 to conduct an enquiry and cancel the two fraudulent settlement deeds, general power of attorney and two sale deeds. Since the said representation has not yet been considered, the above Writ Petition



W.P.No.8129 of 2023

has been filed.

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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 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 first respondent herein to consider the petitioner's representation dated 01.03.2023 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



W.P.No.8129 of 2023

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 costs.

16.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

- 1.The Inspector General of Registration,
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W.P.No.8129 of 2023

M.S.RAMESH,J.

RS/hvk

W.P.No.8129 of 2023

16.03.2023