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W.P.No.9925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9925 of 2023

K.G. Ramalinga Chetty

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Krishnagiri – 635 001,
Krishnagiri District.

2.The Sub Registrar,
Registration Department,
Hosur – 635 109,
Krishnagiri District.

3.L. Rukmani

4.M.A. Asif Khan

5.K. Shanmugam

6.G. Dhanasekaran

7.S. Soundarraaj

8.Venkatesh

9.R. Srinath Yadav

10.Gowramma

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's application dated 28.01.2023 sent by him under Section 77A of the Registration Act, to cancel the fraudulent Sale Deeds executed by the respondents 3 & 4 herein, in respect of his lands measuring 0.06 cents in S.F.No.56/2A1, situate at Moranapalli Village, Hosur Taluk, Krishnagiri District, in accordance with law and within a stipulated period.

For Petitioner : Mr.K. Govi Ganesan

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

ORDER

Heard Mr.K. Govi Ganesan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first and second respondents.

2. Since this Court is directing the first respondent to consider the petitioner's application, after giving due notice and opportunity to the respondents 3 to 10, notice to the respondents 3 to 10, is hereby dispensed with.



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WEB COPY 3. The petitioner herein had given application on 28.01.2023 to the first and second respondents, seeking for cancellation of the fraudulent sale deeds. Since the said application was not considered, the present Writ Petition has been filed.

4. It is needless to point out that whenever a application 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 application 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 application dated 28.01.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons



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who had executed the sale deeds, 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 (12) 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.

30.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To



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- 2.The Sub Registrar,
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M.S.RAMESH, J.

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