



W.P.No.7864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7864 of 2023

V.Usha

...Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram, Chennai-28.

2.The District Registrar,
Dharmapuri District, Dharmapuri.

3.The Sub-Registrar, Marandahalli,
Dharmapuri District.

4.M.Kumaresan

5.R.Rahul

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 10.02.2023 and thereby direct the respondents 1 to 3 to cancel the sale deed Doc.No.2036 of 2022 dated 05.09.2022 stands in the name of 5th respondent on the file of the 3rd respondent on the light of circular dated 04.01.2023 issued by



For Petitioner : Mr.B.Sundarapandiyan

For Respondents 1 to 3 : 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 3. Since this Court is directing the first respondent to consider the petitioner's representation after giving due notice and opportunity to respondents 4 and 5, notice to respondents 4 and 5 is dispensed with.

2. The husband of the petitioner had given a representation dated 10.02.2023 to respondents 1 to 3 seeking to cancel the sale deed dated 05.9.2022. 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



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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 representation given by the petitioner's husband dated 10.02.2023 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.



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M.S.RAMESH,J.

RS/hvk

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

15.03.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1.The Inspector General of Registration,
100, Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram, Chennai-28.

2.The District Registrar,
Dharmapuri District, Dharmapuri.

3.The Sub-Registrar, Marandahalli,
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