



W.P.No.7913 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.7913 of 2023

Geetha Lakshmi

...Petitioner

Vs

1.The District Registrar,
Ranipet,
Ranipet District.

2.The Sub Registrar,
Arakkonam,
Ranipet District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider and pass orders on the petitioner's representation dated 21.12.2022 seeking to delete the entry made in the encumbrance certificate in respect of S.No.35/3 having an extent of 8.49 acres, Arigalbadi Village, Arakkonam Taluk in view of the dismissal of the suit in O.S.No.101 of 2006 renumbered as O.S.No.72 of 2014 on the file of the Sub Court, Arakkonam on 01.12.2021.



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For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 21.12.2022, seeking for a direction to delete the entry in the encumbrance certificate, in view of the dismissal of the suit. Since the said representation was not considered, the present 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 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



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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.

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 21.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons who may be interested in the subject property, within a period of eight 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 of 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 disposed of.

No costs.

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Index: Yes/No
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M.S.RAMESH,J.

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To

- 1.The District Registrar,
Ranipet,
Ranipet District.
- 2.The Sub Registrar,
Arakkonam,
Ranipet District.

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