



W.P.No.8717 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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S.Jagatheeswari

...Petitioner

Vs

1.The District Registrar,
Salem East,
Salem District.

2.The Sub Registrar,
Thammampatty,
Gengavalli Taluk,
Salem District.

3.Balakrishnan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the settlement deed dated 10.01.2023 registered as Document No.62/2023 before the Thammampatty Sub Registrar office by considering the representation dated 01.03.2023.

For Petitioner : Mr.Karan

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



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ORDER

Heard Mr.Karan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 and 2.

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

3. The petitioner had given a representation dated 01.03.2023 to the first respondent seeking for cancellation of the registered sale deed. Since 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



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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 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 representation dated 01.03.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due notice and opportunity to the third respondent herein and the persons who had executed the sale deed, as well as the beneficiaries and the witnesses to the deed of conveyance, 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 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.

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6. With the above direction, the Writ Petition stands disposed of.

No costs.

20.03.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

1.The District Registrar,
Salem East,
Salem District.

2.The Sub Registrar,
Thammampatty,
Gengavalli Taluk,
Salem District.

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