



W.P.No.8010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Periyakka

...Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Perambalur District,
Perambalur.

2.The Sub Registrar,
Sub Registrar Office,
Perambalur,
Perambalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 21.02.2023 in accordance with law by directing the second respondent to register the unregistered will executed by the petitioner's son Bala Magendran in the petitioner's name dated 24.01.2021 to secure the ends of justice.



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For Petitioner : Mr.R.Srinivasa Rao

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

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

2. The petitioner had given a representation to the respondents on 21.02.2023 to register the unregistered will. 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 Court will be justified in invoking its extraordinary powers under Article



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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 21.02.2023, after giving due opportunity to all the 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

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

1.The District Registrar,
District Registrar Office,
Perambalur District,
Perambalur.

2.The Sub Registrar,
Sub Registrar Office,
Perambalur,
Perambalur District.

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