



WEB COPY



W.P.No.8273 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8273 of 2023

R. Bommi

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road, R.A. Puram,
Chennai – 600 028.

2.The District Registrar,
Chennai South,
Chennai – 35.

3.The Sub Registrar,
New Alandur Sub Registrar's Office,
Chennai – 600 016.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent herein, to remove the invalid entry, namely, the name of R. Rajeswari, in the Encumbrance Certificates, dated 10.06.2022 (From 01.01.1980 to 31.12.2017) and dated 02.05.2022 (From 01.01.2018 to 25.04.2022) and wherever it occurs in the entries of the Encumbrance, in respect of the property of the petitioner at No.14/8A, Teachers Colony, 3rd Street,



W.P.No.8273 of 2023

WEB COPY

Nanganallur, Chennai – 600 114, in view of the settlement deed, dated 13.06.2019, bearing Document No.2737 of 2019, on the file of the Sub Registrar, Alandur, Chennai – 600 016, executed by the husband of the petitioner, Mr.D. Ramu, in favour of the petitioner herein, pursuant to the judgment and decree, dated 29.01.2014, made in O.S.No.595 of 2011, on the file of the District Munsif Court, Alandur, decreeing the suit in favour of the husband of the petitioner and consequently to issue fresh Encumbrance Certificates for the said property, by removing the said invalid entries, within a time frame to be specified by this Court.

For Petitioner : Ms.R. Priya Lakshmi

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents. 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 representation on 26.12.2022 to the third respondent and thereafter, a reminder for the same on 01.02.2023, seeking for removal of invalid entry in the Encumbrance



W.P.No.8273 of 2023

Certificate. Since the said representations were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a representations of this nature is made to a Statutory Authority, there is a duty cast upon the respondent 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 representations 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 dispose of the petitioner's representations dated 26.12.2022 and 01.02.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had done the registration, as well as the beneficiaries and the witnesses to the deed of



W.P.No.8273 of 2023

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.

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

17.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

Sni



W.P.No.8273 of 2023

WEB COPY

To

- 1.The Inspector General of Registration,
100, Santhome High Road, R.A. Puram,
Chennai – 600 028.
- 2.The District Registrar,
Chennai South,
Chennai – 35.
- 3.The Sub Registrar,
New Alandur Sub Registrar's Office,
Chennai – 600 016.



WEB COPY



W.P.No.8273 of 2023

M.S.RAMESH, J.

Sni

W.P.No.8273 of 2023

17.03.2023