



W.P.No.9140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9140 of 2023

C.Vinayagam

...Petitioner

Vs

1.The District Registrar,
Registration Officer,
Arakonam, Ranipet District.

2.The Sub Registrar,
Walajapet Registrar Officer,
Ranipet District.

3.M.G.Kuppan

4.K.Rajkumar

5.Narasimman

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to pass final orders on the petitioner's representation dated 05.12.2022 within a stipulated period of time.



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For Petitioner : Mr.R.Sunilkumar

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

ORDER

Heard Mr.R.Sunilkumar, 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 opportunity to the respondents 3 to 5, notice to the respondents 3 to 5 is hereby dispensed with.

3. The petitioner had given a representation dated 05.12.2022 to the District Collector, Ranipet District, seeking for cancellation of the registered gift deed bearing No.5593/2016 dated 11.08.2016. 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



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nature is made to a Statutory Authority, there is a duty cast upon him 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 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 District Collector, Ranipet District to forward the petitioner's representation dated 05.12.2022 to the first respondent herein, who shall consider the same, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the respondents 3 to 5 herein and 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



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and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk

To

1.The District Registrar,
Registration Officer,
Arakonam, Ranipet District.

2.The Sub Registrar,
Walajapet Registrar Officer,
Ranipet District.

Copy to

The District Collector,
Ranipet District.



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M.S.RAMESH,J.

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