



WEB COPY



W.P.No.10516 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10516 of 2023

S.Kasi

...Petitioner

Vs

1. Inspector General of Registration,
Tamil Nadu Registration Department,
100, Santhome High Road,
Santhome, Chennai-28.

2. The District Registrar,
Registration Department,
Dharmapuri District.

3. The Sub-Registrar,
Pappireddipati Sub-Registrar
Office, Dharmapuri District.
636905.

4. Mr. Duraisamy

5. Mrs. Mallika

6. Mr. Raji

7. Mrs. Lakshmi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation dated 19.12.2022 and cancel the sale deed in favour of the 4th and 5th respondents executed by the 6th



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and 7th respondents in H.Pudhupatti Village Survey No.68/1A within a stipulated period that may be fixed by this Court.

For Petitioner : Ms.S.Sujatha

For R1 to R3 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 3. Since this Court is directing the second respondent to consider the petitioner's representation, after giving due notice and opportunity to respondents 4 to 7, notice to them is hereby dispensed with.

2. The petitioner had given a representation dated 19.12.2022 to respondents 1 to 3 seeking for cancellation of the registered sale deed. Since the said representation has not yet been considered, the 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



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official 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 226 of Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 19.12.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to 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 and that it is open to the concerned respondent to consider the same on its own merits.



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

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. Inspector General of Registration,
Tamil Nadu Registration Department,
100, Santhome High Road,
Santhome, Chennai-28.

2. The District Registrar,
Registration Department,
Dharmapuri District.

3. The Sub-Registrar,
Pappireddipati Sub-Registrar
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M.S.RAMESH,J.

RS/hvk

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