



W.P.No.10062 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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R.Pasumaraj

...Petitioner

Vs

1.The Deputy Inspector General of
Registration,
Collectorate, Salem - 636 001.

2.The District Registrar,
Dharmapuri District,
Dharmapuri.

3.The Sub Registrar,
Harur, Dharmapuri District.

4.S.Kandhavel

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to complete the enquiry and pass an appropriate order on the basis of the proceedings Na.Ka.No.6582/A1/2022 dated 04.11.2022 & Na.Ka.No. 7752/A1/2022 dated 23.12.2022 passed by the 1st respondent and



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consequently cancel the sale deed registered in D.No.2186 of 1990 dated 27.12.1990 before the Sub Registrar, Harur, within a time frame.

For Petitioner : Mr.J.Pradeep

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

ORDER

Heard Mr.J.Pradeep, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

2. Since this Court is directing the second respondent to consider the petitioner's representation, after giving due opportunity to the fourth respondent, notice to the fourth respondent is dispensed with.

3. The limited prayer sought for in this Writ Petition is for a direction to the second respondent herein to complete the enquiry and pass orders, with a consequential direction to cancel the sale deed. In this regard, the petitioner had made a representation to the second respondent on 07.02.2023.



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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 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 second respondent herein to consider the petitioner's representation dated 07.02.2023, in the light of the proceedings of the first respondent dated 04.11.2022 and 23.12.2022, and complete the enquiry, after giving due opportunity to the fourth respondent herein, 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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M.S.RAMESH,J.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Deputy Inspector General of
Registration,
Collectorate, Salem - 636 001.

2.The District Registrar,
Dharmapuri District,
Dharmapuri.

3.The Sub Registrar,
Harur, Dharmapuri District.

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