



W.P.No.10836 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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N.Mohamed Mian Rowther Company Pvt. Ltd.,
Rep. by its Managing Director
A.K.Khaja Nazeemudeen
S/o Late K.A.Kader,
No.206, Pudukottai Road,
Sembattu, Tiruchirappalli - 620 007.

...Petitioner

Vs

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam,
Chennai - 600 028.

2.M/s.Sadhana Training Company Private Limited,
by its Managing Director Mr.Amir Alithala,
No.174, Lake View Road, West Mambalam,
Chennai - 600 033.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to pass appropriate orders, cancelling the sale deed bearing Doc.No.1228/1995 dated 11.01.1995 on the file of the Sub-Registrar Office, K.Sathanur Registrar Office, Palani Nagar, K.K.Nagar, Tiruchirappalli 620 021, as



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null and void as fraudulent one by considering the representation dated 03.02.2023 of the petitioner.

For Petitioner : Mr.P.Arun Pandiyan

For R1 : Mr.R.Ramanlal,
Additional Advocate General
assisted by Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.P.Arun Pandiyan, learned counsel for the petitioner and Mr.R.Ramanlal, learned Additional Advocate General assisted by Mr.Yogesh Kannadasan, learned Special Government Pleader for the first respondent.

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

3. The petitioner had given a representation to the first respondent and the District Registrar on 03.02.2023, seeking for cancellation of the registered sale deed No.1228/1995 dated 11.01.1995 executed in favour of the second respondent herein. Since the said representation was not



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considered, the present Writ Petition has been filed.

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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 the Constitution of India and direct them to consider the same within a stipulated time.

5. At this juncture, the learned Additional Advocate General submitted that the petitioner's representation has been made to the District Registrar before whom the same is pending. As such, the Inspector General of Registration/the first respondent herein could be at liberty to forward the petitioner's application seeking for cancellation of the said deed to the concerned District Registrar.

6. In the light of the above observations, there shall be a direction



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to the first respondent herein to forward the petitioner's representation dated 03.02.2023 to the concerned District Registrar, who in turn shall consider the same in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the second respondent 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 and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

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To

The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam,
Chennai - 600 028.



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M.S.RAMESH,J.

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