



W.P.No.10514 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.10514 of 2023

C.V.Gopinatharao

...Petitioner

Vs

1.The District Registrar,
District Registrar Office,
Krishnagiri.

2.The Sub-Registrar, Shoolagiri,
Krishnagiri District.

3.Nagarajarao

4.Saradhamma

5.C.N.Prasannakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to initiate the proceedings under Section 77A of the Registration Act, 1908 based on the petitioner's representation dated 06.01.2023 in respect of the documents registered as Doc.Nos.4156/2010, 1710/2014, 1711/2014, 2602/2017, 2698/2020 and 1319/2021 on the file of the 2nd respondent within a stipulated period of time.



W.P.No.10514 of 2023

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents 1 and 2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving due notice and opportunity to respondents 3 to 5, notice to them is hereby dispensed with.

2. The petitioner had given a representation dated 06.01.2023 to respondents 1 and 2 seeking for cancellation of the registered sale deeds. 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 official respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same



W.P.No.10514 of 2023

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 first respondent herein to consider the petitioner's representation dated 06.01.2023, 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 deeds, as well as the beneficiaries and the witnesses to the deeds 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.



WEB COPY



W.P.No.10514 of 2023

M.S.RAMESH,J.

RS/hvk

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

05.4.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. The District Registrar,
District Registrar Office,
Krishnagiri.

2. The Sub-Registrar, Shoolagiri,
Krishnagiri District.

W.P.No.10514 of 2023