



W.P.No.9128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9128 of 2023

A.Anand Kumar

...Petitioner

Vs

1. Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai-5.

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

3. The Sub-Registrar, Palladam,
Thiruppur District.

4. The Tahsildar, Taluk Office,
Palladam, Thiruppur District.

5. S.P. Saminathan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to dispose the petitioner's complaint cum representation dated 11.01.2023 within a stipulated time as directed by this Court.



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For Petitioner : Mr.S.Venkatesh

For Respondents 1 to 4 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing the first respondent to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The petitioner had given a representation dated 11.01.2023 to respondents 1 and 2 seeking to take action against the fifth respondent under Section 77-A of the Tamil Nadu Registration Act and cancel the fraudulent documents, which were registered in favour of the fifth respondent. 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 first respondent herein to consider the petitioner's representation dated 11.01.2023 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 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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M.S.RAMESH,J.

RS/SNI

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,
Santhome High Road, Mylapore,
Chennai-5.

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

3. The Sub-Registrar, Palladam,
Thiruppur District.

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