



WEB COPY



W.P.No.10159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10159 of 2023

Mr.C.M. Sathis Chandra

... Petitioner

Vs.

The District Registrar,
The District Registrar Office,
Cuddalore – 607 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the petitioner's representation dated 17.11.2022 in accordance with the orders of the Hon'ble Supreme Court in SLA.No.3863 of 2008 dated 19.07.2010, as expeditiously as possible.

For Petitioner : Mr.P. Vasanth

For Respondent : Mr.Yogesh Kannadasan,
Special Government Pleader



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ORDER

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With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representation on 17.11.2022 to the respondent, requesting him to cancel the documents registered illegally before the Joint II Sub Registrar, Cuddalore as against the Civil Court's orders. Subsequently on the same day, the respondent has given letter to the petitioner, calling to produce the above Court's order document. Thereafter, the petitioner has produced all Court's orders to the respondent on 08.02.2023 and on 10.02.2023, the respondent had sought for the legal heir's certificate of the petitioner and the petitioner produced the same on 18.03.2023. Since there was no further progress in the matter, the present 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 respondent to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending



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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.

4. In the light of the above observations, there shall be a direction to the respondent, to consider the petitioner's representation dated 17.11.2022, 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 (12) 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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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

The District Registrar,
The District Registrar Office,
Cuddalore – 607 002.

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