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W.P.No.10333 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.10333 of 2023

L. Revathi

... Petitioner

Vs.

1.The District Registrar (Administration),
Office of the District Registrar,
Cuddalore District.

2.The Sub-Registrar,
Office of the Sub-Registrar – Panruti,
Cuddalore District.

3.J. Ganesan

4.G. Janaki

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent No.1 to conduct an enquiry and cancel the fraudulent settlement deed registered in document No.1072/2022 dated 07.04.2022 on the file of the respondent No.2 by considering the petitioner's representation dated 18.03.2023 within the time frame stipulated by this Court.

For Petitioner : Mr.V. Manikandan



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For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.V. Manikandan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the first and second respondents.

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

3. The petitioner herein had given representation on 18.03.2023 to the respondents, requesting them to conduct an enquiry and cancel the fraudulent registration of the Settlement Deed executed by the third respondent in favour of the fourth respondent. Since the said representation was not 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 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 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. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 18.03.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the release 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



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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.

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

03.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

- 1.The District Registrar (Administration),
Office of the District Registrar,
Cuddalore District.
- 2.The Sub-Registrar,
Office of the Sub-Registrar – Panruti,
Cuddalore District.



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M.S.RAMESH, J.

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