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W.P.No.10190 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.10190 of 2023

M/s.Leatherex Tanning Company,
Rep. by its Managing Partner,
Mr.K. Fazel Ghani,
No.6, (New No.13),
Kattur Sadayappan Street,
Chennai – 600 028.

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Sub Registrar,
Sub Registrar Office,
111/15, Taluk Office Campus,
Kodaikanal – 624 101.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation of the petitioner dated 20.09.2022 to reflect the order made in C.M.P.No.4218 of 2022 dated 07.09.2022 in the encumbrance certificate in respect of sale deed document No.630 of



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1994 having the New Survey No.353/1 and Old Survey No.1334/4 at
Kodaikanal.

For Petitioner : Mr.G. Murugendran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

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 20.09.2022 to the second respondent, requesting him to reflect the order made in C.M.P.No.4218 of 2022 dated 07.09.2022 in the encumbrance certificate in respect of sale deed document No.630 of 1994, having New Survey No.353/1 and Old Survey No.1334/4 at Kodaikanal. Since the said representation has not been considered till date, 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



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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.

4. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioner's representation dated 20.09.2022, 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.

03.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Sub Registrar,
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