



W.P.No.10445 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.10445 of 2023

- 1.Mrs.T.Pushpa
- 2.Mrs.A.Suseela
- 3.Mrs.V.Alamelu

all rep.by their power of attorney
Mr.P.J.A.Arumugam

...Petitioners

Vs

- 1.The Inspector General of Registration,
Government of Tamil Nadu,
No.120, Santhome High Road,
Chennai.

- 2.The District Registrar,
Chennai Central, No.182,
Bharati Salai (Pycrafts Road),
Royapettah, Chennai-14.

- 3.R.Abdul Suban
- 4.Rehana Sultana

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent herein to conduct document cancellation enquiry and pass suitable orders based on the representation dated 13.02.2023 in respect of Document No.3442



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of 2022 dated 17.11.2022, SRO Periamet and any subsequent documents thereby making necessary index in the registration records, nullifying the entry as fraudulent document subsequently to cancel the said forged document as per the statute in respect of the petitioners' property in Old Door No.24, New Door No.108, Veerabathra Aachari Street as per Document No.1078 of 1961, Document No.324/2014, SRO Periamet, measuring to an extent of 957 sq.ft. comprised in S.F.No.1247/1, Old R.S.No.22, Egmore Village and Taluk, Chennai after verifying the relevant records in accordance with law.

For Petitioners : Mr.K.Chozhan

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

ORDER

Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for respondents 1 and 2. Since this Court is directing the second respondent to consider the petitioners' representation, after giving due notice and opportunity to respondents 3 and 4, notice to them is hereby dispensed with.

2. The petitioners had given a representation dated 13.02.2023 to



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the District Registrar, Chennai Central, Kuralagam, Parrys, Chennai seeking for cancellation of certain registered 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 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, the petitioners are directed to furnish a copy of the representation dated 13.02.2023, which was actually given to the District Registrar, Chennai Central, Kuralagam, Parrys, Chennai, to the second respondent herein. On receipt of such a



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representation, the second respondent herein is directed to consider the same in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the disputed settlement deed and the subsequent documents, 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

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

RS/hvk



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M.S.RAMESH,J.

RS/hvk

To

- 1.The Inspector General of Registration,
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Chennai.
- 2.The District Registrar,
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