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W.P.No.10312 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10312 of 2023

The Secretary,
Vallalar Illam,
Rep. by P.G.S. Kannan,
Kurinji Nagar, Dokkubhodhanahalli Post,
Nallampalli Taluk,
Dharmapuri District.

... Petitioner

Vs.

1.The Inspector General of Registration,
Inspector General Office,
Santhome, Chennai.

2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of Registration,
Ammapettai, Salem.

3.The District Registrar (Admin),
District Registrar Office,
Salai Vinayagar Koil Road,
Dharmapuri, Dharmapuri District.

4.G. Adhiyaman,
Vallalar Arivalayam Matriculation School,
Vallalar Illam,
T.N.H.B., Oddapatti,
Collectorate Post,
Dharmapuri – 636 705.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to issue a computerized receipt administered by the petitioner as per this Hon'ble Court's order made in WP.Nos.5640 of 2010 and 27462 of 2009.

For Petitioner : Mr.M. Jothikumar

For R1 to R3 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.M. Jothikumar, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondents 1 to 3.

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

3. The petitioner herein had given representations on 27.01.2023 and 03.02.2023 to the respondents, requesting them to conduct an



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enquiry and cancel the fraudulent registration of the Settlement Deed executed by the third respondent in favour of the fourth respondent.

Since the said representations were not considered, the present Writ Petition has been filed.

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 third respondent herein, to consider the petitioner's representation dated 27.01.2023, in the light of the order passed by this Court dated 01.08.2022 in WP.Nos.5640 of 2010 and 27462 of 2009, on its own



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merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

6. 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

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M.S.RAMESH, J.

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