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W.P.No.10277 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.10277 of 2023

Emmanuel Full Gospel Mission Trust,
Rep. by its Chairperson/Trustee S.P. Tuhin Samuel,
Door No.8 D, Kumarasamy Street,
Rasipuram Town & Taluk,
Namakkal District – 637 408.

... Petitioner

Vs.

1.The District Registrar (Administration),
Namakkal,
Namakkal District.

2.The Sub-Registrar,
Sub-Registration Office,
Thuthikulam Village,
Senthamangalam Post,
Namakkal District.

3.A.W.S. Jayachithra

4.Divya

5.N. Geetha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's application dated 21.03.2022.



W.P.No.10277 of 2023

For Petitioner : Mr.M. Francis Xavier
For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.M. Francis Xavier, 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 dispose the petitioner's application, after giving due notice and opportunity to the respondents 3 to 5, notice to the respondents 3 to 5 is hereby dispensed with.

3. The petitioner herein had given an application on 21.03.2022 to the first respondent, seeking to conduct a thorough enquiry with regard to a sale deed No.615/2020 and cancel the sale deed by declaring the sale deed No.615/2020 as fraudulent. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.No.10277 of 2023

WEB COPY

4. It is needless to point out that whenever an application 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 application 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 application dated 21.03.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as the respondents 3 to 5 and any other person who may be interested in the subjected 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



W.P.No.10277 of 2023

merits of the claim of 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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W.P.No.10277 of 2023

WEB COPY

To

1.The District Registrar (Administration),
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2.The Sub-Registrar,
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W.P.No.10277 of 2023

M.S.RAMESH, J.

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W.P.No.10277 of 2023

03.04.2023