



W.P.No.10300 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.10300 of 2023

Raja

... Petitioner

Vs.

1.The Inspector General of Registration,
Mylapore,
Chennai.

2.The District Registrar,
Krishnagiri,
Krishnagiri District.

3.The Sub-Registrar,
Uthangarai,
Krishnagiri District.

4.Ganga

5.Ravichandhra Kumar

6.Saminathan

7.Shanmugasundharam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3, to cancel partition deed by document No.5359/2018 dated



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14.12.2018 of 3rd respondent in respect of land measuring to an extent of 2.84 acres comprised in S.No.29/1 and 3.94 hectares in S.No.53/2 of Reddivalasai Village, Periyathallapadi tharappu, Uthangarai Taluk, Krishnagiri District and document No.2237/2004 dated 03.11.2004 registered with the 3rd respondent in respect of lands measuring to an extent of 1.74.5 hectares comprised in S.No.65/1 New S.No.116/6 of Reddivalasai Village, Periyathallapadi tharappu, Uthangarai Taluk, Krishnagiri District.

For Petitioner : Mr.L. Aishwaryalakshmi

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

ORDER

Heard Mr.L. Aishwaryalakshmi, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the respondents 1 to 3.

2. Since this Court is directing the respondents 1 to 3, to consider the petitioner's representation, after giving due notice and opportunity to the respondents 4 to 7, notice to the respondents 4 to 7 is hereby dispensed with.



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3. The petitioner herein had given representation on 19.07.2022 to the respondents 1 to 3, requesting them to cancel the aforesaid sale deed. Since the said representation was 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 respondents 1 to 3, to consider the petitioner's representation dated 19.07.2022, in accordance with the procedure contemplated under



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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.

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

- 1.The Inspector General of Registration,
Mylapore,
Chennai.
- 2.The District Registrar,
Krishnagiri,
Krishnagiri District.
- 3.The Sub-Registrar,
Uthangarai,
Krishnagiri District.



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M.S.RAMESH, J.

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