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W.P.No.10457 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.10457 of 2023

Emmanuel Full Gospel Mission
Trust, rep.by its Chairperson/
Trustee S.P.Tuhin Samuel

...Petitioner

Vs

1.The District Registrar,
Namakkal, Namakkal District.

2.The Sub-Registrar,
Sub-Registration Office,
Rasipuram, Namakkal. 637408.

3.Jacklin.P.

4.Suresh Kanna

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's application dated 09.09.2021.

For Petitioner : Mr.M.Francis Xavier

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



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ORDER

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

2. The petitioner had given a representation dated 09.09.2021 to the first respondent seeking for cancellation of the registered gift 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



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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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 09.09.2021, 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 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.

5. With the above direction, the Writ Petition stands ordered. No costs.

05.4.2023

RS/hvk



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M.S.RAMESH,J.

RS/hvk

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

1. The District Registrar,
Namakkal, Namakkal District.

2. The Sub-Registrar,
Sub-Registration Office,
Rasipuram, Namakkal. 637408.

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