



W.P.No.10784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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1.Sindhu

2.Sumithra

3.Sivanantham

...Petitioners

Vs

1.The District Registrar, District
Registrar (Registration Department)
Office, Ariyalur District.

2.The Sub-Registrar, Office of
Andimadam Sub-Registrar,
Ariyalur District.

3.Neela (a) Neelavathy

4.Vairam

5.Manokaran

6.Arun

7.Akash

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents No.1 and 2 to cancel the sale deed dated 05.11.1997 registered as Document No.1666 of 1997 and the sale deed dated 11.03.1998 registered as Document No. 298 of 1998 as it is void ab initio and consequently remove the encumbrance over the lands comprised in Survey Nos.207/2, 16/21,



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175/1 and 175/2 totally ad-measuring 3.23 cents situated at Siluvaicheri, Rangiyam Village, Udayarpalayam Taluk, Ariyalur Registration District.

For Petitioners : Mr. Ananthasekar

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

ORDER

Heard learned counsel for the petitioners and the learned Special Government Pleader accepting notice for respondents 1 and 2. Since this Court is directing the first respondent to consider the petitioners' representation, after giving due notice and opportunity to respondents 3 to 7, notice to them is hereby dispensed with.

2. The prayer sought for in this writ petition is to direct respondents 1 and 2 to cancel two sale deeds. In this regard, the petitioners gave a representation dated 05.4.2022 to the first respondent. 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



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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, there shall be a direction to the first respondent herein to consider the petitioners' representation dated 05.4.2022 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 deeds, 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



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M.S.RAMESH,J.

RS/hvk

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.

10.4.2023

2/2

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

To

1.The District Registrar, District
Registrar (Registration Department)
Office, Ariyalur District.

2.The Sub-Registrar, Office of
Andimadam Sub-Registrar,
Ariyalur District.

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