



WEB COPY



W.P.No.10871 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10871 of 2023

M.Paneerselvam

...Petitioner

Vs

1.The District Registrar,
Administration, Office of
the District Registrar, No.81,
Old Hospital Road,
Gobichettipalayam, Erode District.

2.The Sub-Registrar, Office of
Sub-Registrar No.1,
Gobichettipalayam, Erode District.

3.Kandasamy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's petition dated 20.03.2022 seeking to conduct enquiry under Sections 68 and 77(A) of the Indian Registration Act,1908 against the 3rd respondent.

For Petitioner

: Mr.S.Shankar



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

ORDER

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 petition after giving due notice and opportunity to the third respondent, notice to the third respondent is hereby dispensed with.

2. The petitioner had given a representation dated 20.03.2022 to the second respondent seeking for cancellation of the registered sale 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



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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, the petitioner is directed to furnish a copy of the representation dated 20.3.2022 to the first respondent within two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent herein shall consider the same, 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 ten weeks therefrom. 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.



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M.S.RAMESH,J.

RS/hvk

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

10.4.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

Note: Issue order copy on 12.04.2023

To

1. The District Registrar,
Administration, Office of
the District Registrar, No.81,
Old Hospital Road,
Gobichettipalayam, Erode District.

2. The Sub-Registrar, Office of
Sub-Registrar No.1,
Gobichettipalayam, Erode District.

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