



W.P.No.10799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10799 of 2023

D.Govindammal

...Petitioner

Vs

1.The District Registrar (Administration),
Chennai South Registration District,
Integrated Building for Offices of the
Commercial Taxes & Registration,
Fanepet, Nandanam, Chennai-35.

2.The Sub-Registrar, Virugambakkam,
Chennai-92.

3.R.Vikram

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to conclude the enquiry in his proceedings in No.18686/E2/2022 dated NIL-12-2022 by passing appropriate orders with respect to cancel/revoke the settlement deed dated 03.09.2022 registered as Document No.7369 of 2022 which stands in the name of the 3rd respondent herein under the provisions of the Registration (Tamil Nadu Second Amendment) Act 2021 and conclude the same within a time stipulated by this Court.



W.P.No.10799 of 2023

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

ORDER

Heard 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 the third respondent, notice to him is hereby dispensed with.

2. The petitioner had given a representation dated 21.09.2022 to the first respondent seeking for cancellation of a registered settlement deed executed in favour of the third respondent herein. According to the petitioner, the same has not yet been considered.

3. It is seen from the typed set of papers that the first respondent had already initiated action even on 18.11.2022. Since nothing was forthcoming, the petitioner is before this Court.

4. It is needless to point out that whenever a representation of this



W.P.No.10799 of 2023

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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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 21.09.2022 and conclude the proceedings in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving due opportunity to the persons who had executed the settlement 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



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W.P.No.10799 of 2023

M.S.RAMESH,J.

RS/SNI

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 ordered. No costs.

06.4.2023

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

To

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W.P.No.10799 of 2023