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W.P.No.10819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10819 of 2023

V.Shanmugam

...Petitioner

Vs

1.The Inspector General of
Registration, Santhome High Road,
Chennai-28.

2.The District Registrar,
Tindivanam, Villupuram District.

3.The Sub-Registrar, Avaraipakkam,
Tindivanam, Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to consider the petitioner's representation dated 31.10.2022 and direct the second respondent to return the document bearing Doc.No. 1345 of 2021 at the earliest.

For Petitioner : Mr.S.Janarthanam

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein, along with nine others, had given a representation dated 31.10.2022 to respondents 2 and 3 seeking to return the registered document in Doc.No.1345 of 2021 dated 28.4.2021. Since the said representation has not yet been considered, the above 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 him 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.



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4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the representation dated 31.10.2022 given by the petitioner and nine others on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons who may be interested in the subject property, within a period of four 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 of 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 disposed of.

No costs.

11.4.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Inspector General of Registration, Santhome High Road, Chennai-28.
2. The District Registrar, Tindivanam, Villupuram District.
3. The Sub-Registrar, Avaraipakkam, Tindivanam, Villupuram District.

RS/SNI



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M.S.RAMESH,J.

RS/SNI

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