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W.P.No.10832 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10832 of 2023

N. Murugavel

... Petitioner

Vs.

1.The District Registrar,
Virudachalam,
Cuddalore District.

2.The Sub-Registrar,
Ulundurpet,
Cuddalore District.

3.Selvam Danielraj

4.Nagar kani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 20.03.2023 and 31.03.2023 seeking cancellation of the General Power of Attorney Deed dated 05.12.2022 and registered as Doc.No.18/2022 in the office of the 2nd respondent herein.



W.P.No.10832 of 2023

For Petitioner : Mr.S.V. Karthikeyan
For R1 & R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Heard Mr.S.V. Karthikeyan, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader, appearing for the respondents 1 & 2.

2. Since this Court is directing the first respondents, to consider the petitioner's representation, after giving due notice and opportunity to the third and fourth respondents, notice to the third and fourth respondents is hereby dispensed with.

3. The petitioner herein had given representation on 31.03.2023 to the first respondent, requesting him to conduct an enquiry relating to the illegal registration of the Power deed. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.No.10832 of 2023

WEB COPY

4. 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 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 the Constitution of India and direct them 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, to consider the petitioner's representation dated 31.03.2023, 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 (12) weeks from the date of receipt of a copy of this order. It is made clear



W.P.No.10832 of 2023

WEB COPY

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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

06.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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W.P.No.10832 of 2023

To

- 1.The District Registrar,
Virudachalam,
Cuddalore District.
- 2.The Sub-Registrar,
Ulundurpet,
Cuddalore District.



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W.P.No.10832 of 2023

M.S.RAMESH, J.

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W.P.No.10832 of 2023

06.04.2023