



W.P.No.11724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11724 of 2023

K.Kannan

...Petitioner

Vs

- 1.The Inspector General of Registration,
Office of the Registration Department,
Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Cuddalore Zone,
Office of the Registration Department,
No.50, Sankara Street,
Thirupadripuliyur,
Cuddalore.
- 3.The District Registrar (Administration),
Office of the Registration Department,
Villupuram – 605 602.
- 4.The Sub Registrar,
Office of the Registration Department,
Thirukovilur,
Villupuram District.
- 5.The Revenue Tahsildar,
Thirukovilur, Villupuram District.



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6.R.Rajendran

7.M.Chakravarthi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent herein to consider the petitioner's representation dated 14.12.2022 as per the Letter No.6258/A/2022 dated 26.12.2022 of the second respondent and to conduct an enquiry in the matter as per Section 77-A of the Registration Act and cancel the Deed of Sale dated 23.02.2022, registered as Doc. No.944 of 2022 at the Sub Registrar Office, Thirukovilur, executed by the sixth respondent and his family to the seventh respondent.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader
for R1 to 5

ORDER

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

2. Since this Court is directing the third respondent to consider the petitioner's representation, after giving notice and due opportunity to respondents 6 and 7, notice to respondents 6 and 7 is hereby dispensed with.



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3.The petitioner had given a representation dated 14.12.2022 to the official respondents seeking for cancellation of the document No.944 of 2022. Since the said representation was not considered, the present Writ Petition has been filed.

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 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 them to consider the same within a stipulated time.

5.In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 14.12.2022, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving notice and due opportunity to respondents 6 and 7 herein and the persons who had



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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 weeks from the date of receipt of a copy of this order.

6.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.

7.With the above direction, the Writ Petition stands disposed of. No costs.

18.04.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

vga



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M.S.RAMESH,J.

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