



WEB COPY



W.P.No.12160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.12160 of 2023

K. Selvaraj

... Petitioner

Vs.

1.The District Registrar (Admin),
Office of the District Registrar of Registration,
Perambalur.

2.The Sub Registrar,
Valikandapuram,
Perambalur Taluk & District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated NIL sent on 13.12.2022 served on the respondent on 14.12.2022 within a time frame fixed by this Hon'ble Court and thereby to remove the entry made in the encumbrance in respect of the property comprised in S.No.224/6 of Valikandapuram Village, Perambalur Taluk & District within a time frame fixed by this Court.

For Petitioner : Mr.G. Ilamurugu



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For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given a representation to the respondents on 13.12.2022, requesting to remove entry made in the encumbrance in respect of the property comprised in S.No.224/6 of Valikandapuram Village, Permabalur Taluk & District. Since the said representation was not considered, the present 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 them 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



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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.

4. In the light of the above observations, there shall be a direction to the respondents, to consider the petitioners' representation dated 13.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as any other person who may be interested in the subject property, within a period of four (4) 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.

20.04.2023

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

- 1.The District Registrar (Admin),
Office of the District Registrar of Registration,
Perambalur.
- 2.The Sub Registrar,
Valikandapuram,
Perambalur Taluk & District.

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