



W.P.(MD).No.12417 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12417 of 2023

C.S.Vadivel

... Petitioner

Vs.

1.The District Registrar (Administration)
Assistant Registration Rank - I,
Madurai South,
Madurai.

2.The Sub Registrar,
O/o. Sub Registrar Office,
Thirummangalam,
Madurai District.

3.Kondammal

4.Kamala

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to cancel the fraudulent deed vide Doc.No.5054/2010 dated 26.05.2010 based on petitioner's representations dated 28.12.2022 and 03.05.2023.



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For Petitioner : Mr.P.R.Boomee Rajan
For R-1 and R-2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving notice and due opportunity to respondents 3 and 4, notice to respondents 3 and 4 is hereby dispensed with.

3. The petitioner had given a representation dated 03.05.2023 to the official respondents seeking for cancellation of the document No.5054/2010 dated 26.05.2010. 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



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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 first respondent herein to consider the petitioner's representation dated 03.05.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving notice and due opportunity to respondents 3 and 4 herein and 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.

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.



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7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The District Registrar (Administration)
Assistant Registration Rank - I,
Madurai South,
Madurai.
- 2.The Sub Registrar,
O/o. Sub Registrar Office,
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M.S.RAMESH, J.

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