



W.P.(MD)No.12527 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.12527 of 2023

and

W.M.P.(MD)No.10586 of 2023

K.Manikandan

... Petitioner

versus

1. The District Registrar, (Registration)
O/o. The District Registrar Office,
Tirunelveli District,
Tirunelveli.
2. The Sub Registrar,
Panakkudi Sub Registrar Office,
Radhapuram Taluk,
Tirunelveli District.
3. The Tahsildar,
Radhapuram Taluk Office,
Tirunelveli District.
4. Muthumani
5. Soundararajan
6. G.Selvin Jebaraj

... Respondents



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WEB COPY Writ Petition is filed under Article 226 of Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to conduct enquiry and pass orders on the petitioner's representation filed under Section 77A of the Tamil Nadu Registration Amendment Act 2022 dated 05.05.2023 in respect of the document No. 3362/2022 dated 05.08.2022 on the file of the 2nd respondent/Sub Registrar relating to the landed property in re-survey No.1928/1B1 admeasuring an extent of 0.04.60 hectare and consequently, direct the 3rd respondent to delete the name of the 6th respondent from the joint patta in patta No.512 issued along with others by considering the petitioner's representation dated 05.05.2023 within the time frame fixed by this Court.

For Petitioner : Mr.D.R.Murugesan

For R1 to R3 : Mr.A.Kannan,
Additional Government Pleader

ORDER

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



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2. Since this Court is directing the first respondent to consider the petitioner's representation, after giving notice and due opportunity to respondents 4 to 6, notice to respondents 4 to 6 is hereby dispensed with.

3. The petitioner had given a representation dated 05.05.2023 to the official respondents seeking to delete the name of the sixth respondent from the joint patta in Patta No.512 issued along with others. 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.



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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 05.05.2023, in accordance with the procedure contemplated under Section 77(A) of the Registration Act, after giving notice and due opportunity to the respondents 4 to 6 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.

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

25.05.2023

akv



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To

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M.S.RAMESH, J.

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