



W.P.(MD).No.12665 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.12665 of 2023

1.M.Suguna
2.Muthukrishnan

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Officer of the Revenue Divisional,
Sankarankovil.

2.The District Registrar,
Tenkasi District.

3.The Sub-Registrar,
Sub-Registrar Office,
Karivalamvanthanallur,
Tenkasi District.

4.Samuthirapandi
5.P.R.P.Palani
6.A.S.Karthi Palani

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 & 3 to consider the representation given by the petitioner, dated 08.05.2023 and cancel the fraudulently registered document bearing Document No.2825/2022 dated 07.11.2022 by the fourth respondent.



For Petitioners : Mr.T.Kanagaraj
For R-1 to R-3 : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

Mr.M.Siddharthan, learned Additional Government Pleader takes notice for respondents 1 to 3.

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

3. The petitioners had given a representation dated 08.05.2023 to the official respondents seeking for cancellation of the d Document No.2825/2022 dated 07.11.2022. 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



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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 second respondent herein to consider the petitioners' representation dated 08.05.2023, in accordance with the procedure contemplated under Section 77A of the Registration Act, after giving notice and due opportunity to 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.



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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

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To

- 1.The Revenue Divisional Officer,
Officer of the Revenue Divisional,
Sankarankovil.
- 2.The District Registrar,
Tenkasi District.
- 3.The Sub-Registrar,
Sub-Registrar Office,
Karivalamvanthanallur,
Tenkasi District.



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M.S.RAMESH, J.

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