

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No. 31884 of 2007

K. Rajasekaran

...Petitioner

vs.

1. The Inspector General of Registration
Santhome High Road
Mylapore, Chennai 600 004.
2. The Regional Deputy Registrar
Office of the Registrar of Co-operative Housing Society
Poonamallee High Road,
Chennai.
3. The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George,
Chennai 600 009.
4. Builder Association of India
(Southern Centre)
Old No.6, New No.11, 2nd Floor
(Casa Blanka Building)
Casa Major Road, Egmore
Chennai 600 006.
5. Flat Promoters Association
rep. by its Secretary
Ruby Towers, No.240,
Velachery Main Road, Selaiyur
Chennai 600 073.

6. Indian Banks' Association
World Trade Centre
6th Floor, Centre I Building
World Trade Centre Complex
Cuffe Parade, Mumbai 400 005
rep. by its Senior Vice President
V. Ramachandran.
[R4 to R6 impleaded as per Court
order dated 04.08.2008 in
M.P. Nos. 1 & 2 of 2008 in
W.P. No.31884 of 2007]

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the respondents to implement Sections 10 and 11 of the Tamilnadu Apartment Ownership Act, 1994 in the process of registration of the Deed of Apartment.

For Petitioner : Mr. K.Rajasekaran,
Party in Person

For Respondents : Mr. V.R. Kamalanathan
Addl. Government Pleader for R1 to R3
Mr. V. Parthiban
for M/s. Paul & Paul for R5
No Appearance for R4 & R6.

O R D E R
(Made by The Hon'ble The Chief Justice)

Learned Additional Government Pleader has produced a Circular dated 20.05.2015 in respect of registration of Deed of Apartment as per Section 11 of the Tamil Nadu Apartment Ownership Act, 1994 and putting the registering authorities to notice about the same.

2. Learned counsel for the petitioner seeks to refer to the judgment of a Division Bench of the Delhi High Court in O.S.Bajpai vs. The Administrator (Lt. Governor of Delhi), reported in CDJ 2010 HC 2240. Thereafter, the matter was kept for compliance and a further order was passed in the process of compliance in the same matter being W.P.(Civil) No.1959 of 2007 on 13.07.2012. In the conspectus of the observations made therein, there are certain suggestions which the petitioner wants to make in the present petition, as represented through the counsel, qua enforcement mechanism to ensure that the developers are cast with an obligation

to present the deeds for registration. It is submitted that there can be different mechanisms for the past and future.

3. However, since much water has flown since the petition was filed, learned counsel for the petitioner prays that this petition be disposed of, in view of the Office Circular issued, but giving liberty to the petitioner to present a comprehensive petition, impleading all the relevant parties for the purpose of a better enforcement mechanism, whether by issuance of Office Orders or seeking legislative changes.

4. Liberty granted and the writ petition accordingly stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ATR

Copies to

1. The Inspector General of Registration
Santhome High Road
Mylapore, Chennai 600 004.
2. The Regional Deputy Registrar
Office of the Registrar of Co-operative Housing Society
Poonamallee High Road, Chennai.
3. The Secretary
Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George, Chennai 600 009.

1 CC to Mr. K.Rajasekaran, Party in Person, SR.No. 31144

1 CC to M/s. Paul & Paul, Advocate SR.No. 31263

1 CC to the Government Pleader, SR.No. 31098

W.P. No. 31884 of 2007

KSJ (CO)

PSI (07.07.2015)