

In the High Court of Judicature at Madras

Dated : 22.12.2017

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice K.RAVICHANDRABAABU

Writ Petition No.33722 of 2017

R.Rajagopalan ...Petitioner

Vs

- 1.The Government of Puducherry,
rep.by its Secretary, Department
of Revenue, Secretariat,
Puducherry.
 - 2.The Inspector General of Registration,
Government of Puducherry,
La de marie, Puducherry-1.
 - 3.The District Registrar, District
Registration Office, Kamaraj Salai,
Saram, Puducherry-13.
 - 4.The Registrar of Cooperative
Societies, Cooperative Department,
VVP Nagar, Thattanchavady,
Puducherry-9.
- ..Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondents to implement the provisions under Sections 13(1), 13
(3) and 13(5) of Puducherry Apartment Ownership Act, 1987 in its
letter and spirit.

For Petitioner : Mr.V.Jeevagiridharan

For Respondents : Mr.R.Gandhiraj, GP (Puducherry)

ORDER:

Order of the Court was made by T.S.SIVAGNANAM, J
Mr.R.Gandhiraj, learned Government Pleader (Puducherry)
accepts notice for the respondents. Heard both. By consent, the
writ petition itself is taken up for final disposal.

2. The petitioner, who is an advocate, is a permanent resident of Puducherry and claims to be associated with various organizations engaged in social work. By way of this writ petition, styled as a public interest litigation, the petitioner seeks a direction to the respondents to implement the provisions of Sections 13(1), 13(3) and 13(5) of Puducherry Apartment Ownership Act, 1987.

3. The petitioner would state that though the said Act came into force in the year 1987, the respondents have not implemented the same for reasons best known to them and that on account of the non implementation of the provisions of the said Act, the innocent buyers of flats, which are promoted in Puducherry, are put to peril and they are facing great hardship and also the risk of losing their hard earned money in the purchase of the property. In this regard, the petitioner sent a representation dated 21.9.2017 to the respondents requesting them to take immediate action and implement the provisions of the said Act.

4. The petitioner is relying upon the information furnished by the third respondent on a query raised under the provisions of the Right to Information Act, from which, it is seen that a reply was sent by the third respondent stating that they do not maintain any register for declarations and deeds of apartment as required under Section 13 of the said Act. Therefore, it is submitted that it is highly doubtful as to whether the Authorities are aware that such an Enactment is in force.

5. The learned Government Pleader appearing for the respondents submits that the representation of the petitioner would be considered and appropriate reply would be sent to the petitioner at the earliest.

6. In the light of the above, without expressing any opinion on the merits of the case, the writ petition is disposed of with a direction to the first respondent to consider the representation of the petitioner dated 21.9.2017 on merits and send appropriate reply to the petitioner within a period of four weeks from the date of receipt of a copy of this order. To ensure effective compliance of this order, the petitioner is directed to furnish a copy of the representation along with a copy of this order, to the first respondent. No costs.

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Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

RS

To

1.The Secretary to Government of Puducherry,
Department of Revenue,
Secretariat, Puducherry.

2.The Inspector General of Registration,
Government of Puducherry,
La de marie, Puducherry-1.

3.The District Registrar,
District Registration Office, Kamaraj Salai,
Saram, Puducherry-13.

4.The Registrar of Cooperative Societies, Cooperative Department,
VVP Nagar, Thattanchavady, Puducherry-9.

+1cc to Mr.V.Jeeva giridharan, Advocate SR.No.92307

+1cc to Government Pleader(P) SR.No.92433

WP.No.33722 of 2017

GN(18/01/2018)



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