

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10027 of 2019
and
W.M.P.No.10673 of 2019

Mr. K.Shankar (Proprietor),
M/s. Corner Stone Builders,
No.24, Bawa Street,
Alwarpet,
Chennai - 600018.

...Petitioner

Vs.

1. The Real Estate Regulatory Authority,
Union Territory of Puducherry,
Puducherry.
2. The Sub Registrar,
Oulgaret,
Pondicherry.
3. M/s. State Bank of India,
Small and Medium Enterprises Branch,
No.39, 6th Floor,
Prashant Real Gold Tower,
Chennai - 600017.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's application on 11.10.2018 and the compliances made by the petitioner pursuant to 05.03.2019 letter and pass appropriate orders by allocation the RERA numbers.

For Petitioner : Mr.M.V.Swaroop

For Respondents : Mr.J.Kumaran
Additional Government Pleader
(Puducherry) for R1 & 2
Ms.S.R.Sumathy for R3

O R D E R

This writ petition is filed seeking for a Mandamus, directing the 1st respondent to consider the petitioner's application dated 11.10.2018 and pass appropriate orders by allocation the RERA numbers.

2. Heard both sides.

3. It is stated that the petitioner promoted housing complex containing 40 apartments in Puducherry under the name and style of "Victoria Apartment". Out of 40 apartments, it is stated that the petitioner has made registration with regard to 7 apartments and in the mean time, the Central Government had passed the Real Estate Regulatory Authority Act, 2017 which makes it mandatory to register the projects with Real Estate Regulatory Authority. Therefore, it is stated that only on obtaining the registration number, further sale of the apartments can be made. Therefore, the petitioner made an application on 11.10.2018 before the 1st respondent for obtaining Real Estate Regulatory Authority registration number.

4. It is further stated that the application presented before the 1st respondent though was returned for effecting certain compliance and the same was represented on 15.03.2019. Therefore, it is contended that the 1st respondent has to pass immediate orders on the application, since only after getting such registration number, the petitioner will be in a position to sell the remaining apartments and consequently pay the loan to the 3rd respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that he has instructions to say that the application filed by the petitioner was again returned for effecting certain compliance and therefore, unless and until, the application is represented after effecting those compliances, question of considering the application does not arise.

6. The learned counsel appearing for the petitioner submitted that if the application is returned, the petitioner is ready and willing to represent the same after effecting the compliance and therefore, a suitable order may be issued to the first respondent for considering such application. He further submitted that since the 3rd respondent-Bank is pressurizing the petitioner to pay the bank loan, urgent order needs to be passed by the first respondent on the application filed by the petitioner.

7. There is no dispute to the fact that the petitioner has already filed an application before the 1st respondent, seeking for registration number under Real Estate Regulatory Authority Act, 2017, as early as on 11.10.2018. It is stated that the said application was returned and again represented. However, as it is claimed by the learned Additional Government Pleader for the respondents 1 and 2 that the said application was again returned, the petitioner is directed to represent the said application, after making necessary compliance, on or before 15.04.2019. On receiving the application, the first respondent shall consider the same and pass appropriate orders on merits and in accordance with law on or before 30.04.2019.

8. With the above directions, this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Real Estate Regulatory Authority,
Union Territory of Puducherry,
Puducherry.
2. The Sub Registrar,
Oulgaret,
Pondicherry.
3. M/s. State Bank of India,
Small and Medium Enterprises Branch,
No.39, 6th Floor,
Prashant Real Gold Tower,
Chennai - 600017.

+1cc to Mr.M.V.Swaroop, Advocate Sr.35546
+1cc to the Government Pleader Sr.35911

W.P.No.10027 of 2019

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srg 12/04/2019