



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.21592 OF 2021

P.A.Venugopal

... Petitioner

-Vs-

The Joint I Sub Registrar,
Saidapet @ Nandanam,
Chennai District.

... Respondent

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in relates to refusal number RFL / South joint I / 128 / 2021, dated on 21.09.2021 and quash the same in the light of judgment in K.S.Vijayandran Vs IG of Registration 2011 (2) LW 648 and direct the respondent to register the settlement deed.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader.

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent in relates to refusal number RFL / South joint I / 128 / 2021, dated on 21.09.2021 and quash the same in the light of judgment in K.S.Vijayandran Vs IG of Registration 2011 (2) LW 648 and direct the respondent to register the settlement deed.

2. Heard Mr.J.Franklin, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent.

3. The petitioner owned the property in Plot No.1 ad-measuring 2457 sq.ft comprised in Survey No.275/1A situated at



Adhimoolam Nagar No.119, Pallikaranai Village, Sholinganallur Taluk, Chennai District. In the year 2017, he entered into a joint venture agreement on 14.07.2016 with builders on 50% ratio to develop the same. Accordingly, 5 flats have been constructed in which the petitioner was allotted 2 flats with build up area of 1121 sq.ft and 978 sq.ft respectively.

4. However, the builder sold the undivided share over and above what is entitled as per the joint venture agreement and constructed build up area contrary to the joint venture agreement. After completion of the construction in respect of 3 flats allotted to the builder and sold out to other third parties. However, insofar as 2 flats allotted in favour of the petitioner, the construction has not been completed and hence, the builder illegally allotted the original sale deed, vide Document No.3822 of 1993.

5. Though, the petitioner lodged complaint, no action has been taken as against the builder. In the meanwhile, the petitioner intended to settle the 2 flats which were allotted in favour of the petitioner, to his daughter and executed a settlement deed and presented for registration before the respondent on 21.09.2021. However, the respondent refused to register the same for the reason that the petitioner failed to produce the original document.

6. Considering the above, the petitioner is directed to produce the certified copy of the sale deed registered vide Document No. 3822 of 1993 and re-present the settlement deed for registration before the respondent. On receipt of the same, the respondent is directed to register and release the same.

7. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Joint I Sub Registrar,
Saidapet @ Nandanam,
Chennai District.

+1cc to Mr.J.Franklin, Advocate, S.R.No.59381
+1cc to the Government Pleader, S.R.No.59815

W.P.No.21592 of 2021

NRL (CO)
PM/02/12/2021