

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20165 of 2020
and WMP.No.24909 of 2020

K.Rukkumani

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Petitioner

Vs.

1.The District Registrar
Registration Department
Government of Puducherry
Kamaraj Salai
Sakthi Nagar, Saram
Puducherry - 605 013.

2.The Member Secretary
Pondicherry Planning Authority
Boomianpet, Jawahar Nagar
Reddiyarpalayam
Puducherry - 605 005.

3.The Chief Town Planner
Town and Country Planning Department
Boomianpet Jawahar Nagar
Reeiypalayam
Puducherry - 605 005.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the concern records relating to the impugned notice 19.11.2020 Vide No.1-3/RD/DRO/A4/2020/1672 of the first respondent and quash the same and consequently forebear the 1st respondent from cancelling the sale deed of the petitioner Vide Doc.No.4550 of 2018 dated 22.02.2018 registered on the file of the Sub Registrar, Villianur, Puducherry.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.D.Ravichander
Additional Government Pleader
(Puducherry) [R1 to R3]

ORDER

The petitioner herein challenges the notice dated 19.11.2020 received from the Registration Department of the Union Territory of Puducherry.

2. The petitioner has been served with a notice of the District Registrar of Union Territory of Puducherry, as to why certain sale deed registered with its Office as Document No.4550 of 2018 dated 22.02.2018, may not be cancelled inasmuch as it relates to an unapproved layout and also violates the direction given by this Court in W.P.No.40799 of 2016. This is now under challenge.

3. The learned counsel for the petitioner submitted that the petitioner has already appeared before the District Registrar, Registration Department, Puducherry for enquiry. During the pendency of the proceedings, the petitioner has received a notice from the Real Estate Regulatory Authority on 08.1.2020.

4. Mr.D.Ravichander, learned Additional Government Pleader would now make a statement that inasmuch as the plot purchased by the petitioner forms part of an unapproved layout, two different authorities constituted under two different statute are proceeding simultaneously and the proceedings are pending with the Real Estate Regulatory Authority (RERA), and the one initiated by the District Registrar, Puducherry may not have an interconnect.

5. The learned counsel for the petitioner however submits that in terms of Section 59 of the Real Estate Regulatory Authority Act, the proceedings are initiated against the promoters, and necessarily the District Registrar has to wait till the proceedings before RERA is concluded.

6. Ultimately, it is a question of facing an enquiry initiated by the District Registrar and that needs to be faced. It is now open to the petitioner to place before the District Registrar, Registration Department, Puducherry, whatever submissions that has been now placed before this Court, vis-a-vis, the pendency of the proceedings initiated by the Real Estate Regulatory Authority (RERA).

7. In conclusion, this Court does not want to interfere with the notice Vide No.1-3/RD/DRO/A4/2020/1672 dated 19.11.2020 issued by the District Registrar, Registration Department, Puducherry, the first respondent herein, at this stage. The writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The District Registrar
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Sakthi Nagar, Saram
Puducherry - 605 013.
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W.P.No.20165 of 2020

MG (CO)
CB(22/03/2021)