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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 23432 of 2021

Ramapriya Srinivasan

.. Petitioner

Versus

1. The Real Estate Regulatory Authority
CMDA Building
Egmore
Chennai - 600 008
2. Commissioner of Corporation
Greater Chennai
Ribbon Building
Chennai - 600 003
3. The Inspector General of Registration
O/o. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai - 600 004
4. T.K. Chandrasekaran
5. T.K. Saravanan
6. T.K. Purushothaman
7. N. Ravindran
Proprietorship
M/s. Fairdeal Construction
Plot No.5, Door No.6
4th Main Road, AIBEA Nagar
Thiruvananthapuram, Chennai - 600 041

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 25.09.2021 on merits after giving opportunity to all the parties concerned and conducting due enquiry and directing the respondents 1 to 3 to take co-ordinated action to plug the loopholes in the Real Estate activity of flat promotions in which the loopholes enable the landowners and promoters to cheat the flat purchasers



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For Petitioner : Mr. Murali Kumaran
for M/s. Mcgan Law Firm
For Respondents : Mr. Stalin Abhimanyu
Government Counsel for R1 & R3
Mr. M. Ganesh for R2

O R D E R

The present petition has been filed for issuance of Writ of Mandamus seeking to direct the respondents 1 to 3 to consider and dispose of her representation dated 25.09.2021 on merits after giving opportunity to all the parties concerned and conducting due enquiry with a further direction to the respondents 1 to 3 to take co-ordinated action to plug the loopholes in the Real Estate activity of flat promotions which enable the landowners and promoters to cheat the flat purchasers.

2. It is stated by the petitioner that the respondents 4 to 6 approached her and her husband to purchase the flat proposed to be constructed at South Tank Square Street, bearing Door No. 8, comprised in Old Survey and T.S. No. 1511/2, Block No.30, measuring an extent of 2410 sq.ft., It is stated that the respondents 4 to 6 claimed to have obtained permission from the second respondent for construction of four flats. Further, for the purpose of raising construction and to sell the land, the respondents 4 to 6 appointed the seventh respondent herein as their Power of Attorney Agent vide a Deed of General Power of Attorney in Doc.No.1042/2017 dated 07.07.2017 on the file of the SRO, Triplicane with regard to a part of the land namely 1713 sq.ft., of undivided share in the 2410 Sq.ft. The General Power of Attorney is in respect of the land area of 1713 sq.ft., and on calculation of 1.5 FSI, three flats are permitted to be sold by the general power of attorney agent, however, he sold all the four flats retaining 697 sq.ft., fraudulently. Further, the respondents 4 to 7 are not manifesting any information relating to the planning permission and the construction is also not completed as per the Construction Agreement. Feeling aggrieved, the petitioner made a representation to the respondents 1 to 3 on 25.09.2021 for conducting enquiry with regard to violations in relation to completing the construction of the apartment, rectify the mistakes in the agreement etc., However, the representation is kept pending without conducting any enquiry till date. Hence, the petitioner has come up with this writ petition for the relief mentioned supra.

3. The learned counsel for the petitioner submitted that as per Rule 4 of the Tamil Nadu Apartments Rules, 1997, the registering authority should register a deed of agreement along with Form 1 as provided in the Rules. In this case, without looking into such form, the registration had taken place. When



the petitioner brought the same to the notice of the registering authority in the form of a representation, it was not acted upon. The learned counsel therefore prayed this Court to issue appropriate direction to the respondents 1 to 3 to act upon the representation dated 25.09.2021 of the petitioner.

4. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of the case, this court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 25.09.2021 and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as the respondents 4 to 7, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dhk/rsh
To

1. The Real Estate Regulatory Authority
CMDA Building
Egmore
Chennai - 600 008
2. Commissioner of Corporation
Greater Chennai
Ribbon Building
Chennai - 600 003
3. The Inspector General of Registration
O/o. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai - 600 004

+1cc to M/s. Mcgan Law Firm, Advocate, S.R.No.56064
+1cc to the Government Pleader, S.R.No.56644

WP No. 23432 of 2021

VG-II(CO)
CT 03/12/2021