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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.19187 of 2021

S.Balan

...Petitioner

Vs.

1.The District Collector,
Ranipet District,
Collectorate, Kellys Road,
Navalpur, Ranipet-632401.

2.The Tahsildar,
Arakonam Taluk, Arakonam,
Vellore, Tamilnadu-632513.

3.The Sub Registrar,
181, 3rd Gandhi Road,
Arakonam-631001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the 3rd respondent to accept the Sale Deeds presented by petitioner, if it is otherwise in order, and subject to such other requirements as maybe demanded by the 3d respondent in respect of getting the Sale Deed presented by the Petitioner for Registration in so far as it relates to the property situated at Survey No.280/2 and 284/1C, situated at Ranipet District and Arakkonam Taluk, Gandhi Nagar, Anna Street Extention.

For Petitioner : Mr.B.Divakaran
For Respondents : Mr.R.P.Murugan Raja
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 3rd respondent to accept the Sale Deeds presented by petitioner, if it is otherwise in order, and subject to such other requirements as maybe demanded by the 3d respondent in respect of getting the Sale Deed presented by me for registration in so far as it relates to the property in



Survey Nos.280/2 and 284/1C, situated at Ranipet District and Arakkonam Taluk, Gandhi Nagar, Anna Street Extention.

2. The learned Government Advocate appearing on behalf of the respondents takes notice for the official respondents. In view of the limited relief sought for in this petition and on the consent of the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property situated at North Arcot District and Taluk, now bifurcated and brought under Ranipet District, Gandhii Nagar, Anna Street, wherein the petitioner had developed a layout in the year 1986 and sold the plots therein comprised in Survey Nos.280/2 and 284/1C. In the above said lay out of 104 plots, about 69% of the plots were sold out even before the year 2000 and the remaining 31% of the plots were not sold and in possession and enjoyment of the petitioner. Thereafter, the State Government has issued regularization scheme and the petitioner has applied for regularization for remaining plots and he was asked to remit the charges towards the development charges and the petitioner paid it promptly. Thereafter, common roads earmarked in petitioner's lay out were declared by the Municipality, as an extension of Anna Street, and the petitioner has also remitted the necessary development charges to the Municipality and the Municipality has also issued No-Objection certificate in favour of the petitioner, for registering the document. However, due to the recent developments in the Real Estate Sector, and the Ban imposed on unapproved layouts is being cited, the Sale Deeds presented by the petitioner have been refused. Hence, the 3rd respondent insisting the petitioner to obtain a fresh No-Objection Certificate from competent authority. Objecting the same the petitioner made a representation on 27.08.2021, and made request to the 3rd respondent to accept the Sale Deed presented by the petitioner in respect of the unsold plots in Survey Nos.280/2 and 284/1C, situated at Ranipet District and Arakkonam Taluk, Gandhi Nagar, Anna Street Extention. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

4. The learned counsel for the petitioner submitted that it would suffice if this Court issue a direction to the 3rd respondent to consider the petitioner's representation, dated 27.08.2021 in the light of the NOC issued by the Commissioner, Arakkonam Municipality, and pass orders within a reasonable time that may be fixed by this Court.



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5. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner's representation dated 27.08.2021, will be considered by the respondent and appropriate orders will be passed on the same, within a reasonable time that may be fixed by this Court.

6. This Court, without going into the merits of the case, directs the 3rd respondent to consider the petitioner's representation dated 27.08.2021 in the light of the NOC issued by the Commissioner, Arakkonam Municipality and pass orders in accordance with law, after providing an opportunity of hearing to the petitioner and to the aggrieved parties, if any, within a period of six weeks from the date of receipt of a copy of this order. However, it is open to the 3rd respondent to collect the necessary charges from the petitioner for registration of the documents.

7. With the above direction, this Writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Psa

To

1.The District Collector,
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Collectorate, Kellys Road,
Navalpur, Ranipet-632401.

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+1 CC to Mr.B.Divakaran, Advocate sr 20144.

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RR(CO)
SP(08/04/2022)