



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3188 of 2022

T.Rajapandiyan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration,
Tirunelveli District, Tirunelveli.
- 3.The District Registrar,
Thenkasi District, Thenkasi.
- 4.The Sub Registrar,
Sub Register Office,
Karivalamvanthanallur, Thenkasi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to register the sale deed submitted by the petitioner and to consider the petitioner's representation in person dated 28.01.2022.

For Petitioner : Ms.J.Bala Meenakshi

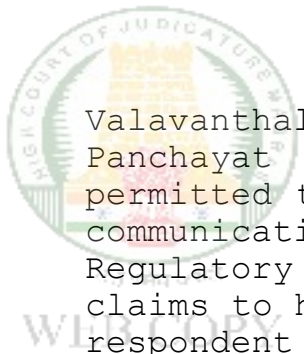
For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to register the sale deed presented by the petitioner and to consider the petitioner's representation, dated 28.01.2022 seeking for registration of the said sale deed within a time frame to be fixed by this Court.

2. According to the petitioner, the Tamil Nadu Real Estate Regulatory Authority (TNRERA), Chennai, has sent a letter dated 08.10.2021 to the fourth respondent not to register plots without registration under the Tamil Nadu Real Estate Regulatory Authority (General) Regulations, 2018. It is the case of the petitioner that plots in the very same layout were earlier registered, but the sale deed which was presented for registration pertaining to Survey Nos.21/8B1A, 25/1B1, 1B2, 1B3, 25/2, 3, 4A, 4B, 5A, 5B, 6, 7, 8A and 9A measuring to an extent of 3 acres and 72 cents situated at



Valavanthalpuram Village, Perumalpatti Panchayat, Sankarankovil Panchayat Union, Sankarankovil Taluk, Thenkasi District, was not permitted to be registered by the fourth respondent acting upon the communication, dated 08.10.2021 sent by the Tamil Nadu Real Estate Regulatory Authority. Under such circumstances, the petitioner claims to have sent a representation, dated 28.01.2022 to the fourth respondent requesting for registration of the sale deed. According to the petitioner, since such representation was not considered, he was constrained to file this writ petition.

3. Heard Ms.J.Balameenakshi, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice for the respondents.

4. On instructions, the learned Additional Government Pleader appearing for the respondents would submit that no such sale deed as mentioned in the affidavit filed in support of the writ petition was presented for registration with the fourth respondent. According to him, it is only an apprehension and this writ petition has been prematurely filed as no refusal slip has been issued by the fourth respondent, refusing to register the sale deed, which is alleged to have been presented by the petitioner for registration. According to him, unless and until the refusal order is passed by the fourth respondent refusing to register the sale deed, the present writ petition is not maintainable. He would also submit on instructions that once the petitioner submits the sale deeds for registration and in case, it is found that the petitioner is not entitled for registration, the fourth respondent shall issue a refusal slip to enable the petitioner to challenge the same in the manner known to him under law. The said submission is recorded.

5. After recording the submissions of the learned counsel for the petitioner as well as the learned Additional Government Pleader, this writ petition is disposed of, by giving a direction to the petitioner to present the sale deed mentioned in the affidavit filed in support of this writ petition for registration before the fourth respondent within a period of one (1) week from the date of receipt of a copy of this order and on receipt of the same, if the fourth respondent finds that the sale deed cannot be registered due to any statutory bar or Court orders, the fourth respondent shall issue a refusal slip to enable the petitioner to challenge the same in the manner known to him under law. There shall be no order as to costs.

Sd/-

Deputy Registrar(LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration,
Tirunelveli District, Tirunelveli.
- 3.The District Registrar,
Thenkasi District, Thenkasi.
- 4.The Sub Registrar,
Sub Register Office,
Karivalamvanthanallur, Thenkasi District.

+1 CC to M/s.SPL GP (SR-7444[F] dated 21/02/2022)

+1 CC to M/s.J.BALAMEENAKSHI, Advocate (SR-7818[F] dated 22/02/2022)

ORDER MADE IN
W.P. [MD]No.3188 of 2022
18.02.2022

nsn(CO)

TR(08.03.2022) 3P 7C