



WEB COPY



W.P No.6812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.6812 of 2023

T.Viswanathan

...Petitioner

Vs.

1.The Sub Registrar,
SEMBIUM SRO,
Paper Mills Road, Perambur,
Chennai-600 011.

2.Tamil Nadu Slum Clearance Board,
Rep. by its Estate officer,
World Bank Scheme,
5, Kamarajar Salai,
Chennai 600 005

3.Papammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records in Refusal Number RFL / Sembium / 5 / 2023 on the file of the 1st Respondent and directing the 1st Respondent to effect the Registration of Document of Settlement Deed presented by the petitioner herein dated 28.02.2023 on such terms and conditions as this Honble Court may deem fit and proper and thus render justice.



WEB COPY



W.P No.6812 of 2023

For Petitioner : Mr.P.Madhavan
For Respondents : Mr.C.Jaya Prakash
Government Advocate [R.1]
: Mr.B.Balaji [R.2]
: Not ready in notice [R.3]

ORDER

The refusal check slip issued by the first respondent in proceeding dated 28.02.2023 is under challenge in the present writ petition.

2.The petitioner states that the second respondent allotted Plot No.1176 bearing Door No.25/482, 23rd Arulappam Street, G.K.M.Colony, T.S.Number 3 Part, Block No.32, Peravallur Village, Ayanavaram Taluk Chennai admeasuring 176 sq.metres to the third respondent under the World Bank scheme by way of proceedings dated 13.07.1984. The allottee paid the entire land cost and the second respondent issued no-objection certificate even in mortgage of the property purchased by the third respondent as early as on 24.11.1987.

3.The said 'No Objection' certificate indicates that the original allottee paid the entire land cost to the second respondent and there was no due to the second respondent. The third respondent executed a sale deed in favour of the



writ petitioner on 15.06.1989. The only objection raised by the second respondent is that they have executed a sale deed in favour of the original allottee in the year 18.11.2019 vide document no.3608 of 2019. Relying on the said deed of sale executed by the second respondent, the first respondent drew an inference that the petitioner does not hold a valid title since he purchased the property from the third respondent even before the execution of the sale deed by the second respondent.

4. This Court is of the considered opinion that there was an enormous delay on the part of the second respondent in executing sale deed in favour of the original allottee/ third respondent.

5. Admittedly, the original allottee paid the entire land cost in the year 1984 itself and the No Objection Certificate was issued for mortgage of the subject property in the year 1987. Then such a right has been conferred by the second respondent in favour of the original allottee/ third respondent. The third respondent alienated the property in favour of the writ petitioner. Mere belated execution of the sale deed would not disentitle the original allottee to deal with the property since it was only an administrative delay on the part of the second respondent for which the rights of the parties need not be denied.

Right of alienation was not disputed by the second respondent even now.



W.P No.6812 of 2023

Thus, the delay caused for the purpose of execution of sale deed is on the administrative ground and thus, the petitioner's right to purchase the property from the original allottee / third respondent cannot be denied.

6. In view of the above factum, the impugned refusal check slip issued by the first respondent in Refusal Number RFL / Sembium / 5 / 2023 dated 28.02.2023, is quashed and the first respondent is directed to proceed with the registration by following the procedures as contemplated and complete the same within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands **allowed**. However, there shall be no order as to costs.

18.08.2023

Index : Yes
Internet : Yes
Speaking Order
Neutral Citation Case: Yes

(Sha)



WEB COPY

To

1. The Sub Registrar,
SEMBIUM SRO,
Paper Mills Road, Perambur,
Chennai-600 011.

2. Tamil Nadu Slum Clearance Board,
Rep. by its Estate officer,
World Bank Scheme,
5, Kamarajar Salai,
Chennai 600 005



W.P No.6812 of 2022



WEB COPY



W.P No.6812 of 2023

S.M.SUBRAMANIAM, J.
sha

W.P No.6812 of 2023

18.08.2023