



W.P.No.24512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.24512 of 2023

K.Sangeetha

Rep.by her Power of Attorney Agent

A.Krishnamoorthy

... Petitioner

versus

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 004.

2.The District Registrar,
Registration Department,
Tambaram.

3.The Sub Registrar,
Office of the Sub Registrar,
NSK Avenue, Manickam Road,
Kundrathur, Chennai – 600 069.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the third respondent to return the Original Sale Deed Document No.24086 of 2022 dated 18.11.2022, registered on the file of the SRO, Kundrathur within a time frame as may be fixed by this Court.



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For Petitioner : Mr.K.Sivasubramanian

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for a mandamus to direct the third respondent to return the original sale deed Document No.24086 of 2022 dated 18.11.2022, registered on the file of the SRO, Kundrathur.

2. According to the writ petitioner, lands forming part of a larger extent measuring about Ac.58.36 cents or thereabouts situated at No.75, Noombal Village, Saidapet Taluk, Chengalpattu District, were owned and possessed by M/s.Sovereign Dairy Industries Ltd., having been acquired from M/s.Vanguard Investments Ltd., under the sale deed dated 19.11.1974, registered as Document No.3864 of 1974, on the file of the Registrar, North Madras. In order to clear certain debts, M/s.Sovereign Dairy Industries Ltd., have decided to dispose of a part of the lands measuring an extent of Ac.14.57 cents, and they entered into an agreement of sale with M/s.India Cements Ltd., and sold the said lands to (i)



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A.U.Chandrasekaran and (ii) G.Balakrishnan, who are nominees of M/s.India Cements Ltd., by way of sale deed dated 24.01.1992, vide Document Nos.176 and 180 of 1992 on the file of the SRO, Kundrathur. After execution of the said sale deed, the aforesaid A.U.Chandrasekaran and G.Balakrishnan along with other adjacent owners of the lands, formed a housing layout namely, "ICL Home Town" and had jointly applied to the Chennai Metropolitan Development Authority (CMDA) for the sanction of layout and the same was duly sanctioned, vide L.A.No.PPD/LO/59/2002 dated 25.09.2002. Thereafter, the petitioner herein nominated and appointed Mr.A.Krishnamoorthy as her power of attorney, empowering to purchase the petition mentioned properties, vide Document No.314 of 2022. Based on the said power of attorney deed, A.Krishnamoorthy purchased Plot No.30 in ICL Home Town, situated at No.75, Noombal Village, Saidapet Taluk, presently Poonamallee Taluk, Chengalpet District, presently Tiruvallur District, comprised in Re-survey No.127/1 (part) and re-numbered as Re-survey Nos.127/1A46 (part) and 127/1A47 (part) measuring 4800 sq.ft under sale deed dated 18.11.2022 in Document No.24086 of 2022 on the file of the SRO, Kundrathur. Now, the writ



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petitioner became the absolute owner of the above said property. After execution of the aforementioned sale deed, Mr.A.Krishnamoorthy (power agent of the writ petitioner) approached the third respondent on various occasions to return the original sale deed. However, the third respondent refused to return the registered original sale deed executed on 18.11.2022. Thereafter, on 05.05.2023, Mr.A.Krishnamoorthy (power agent of the writ petitioner) sent a legal notice to the third respondent calling upon him to return the original document, but there was no response. Hence, the writ petitioner is before this Court.

3. The learned counsel for the petitioner submitted that without any valid reason, the third respondent cannot withhold the registered original sale deed dated 18.11.2022 vide Document No.24086 of 2022.

4. The learned Special Government Pleader appearing for the respondents submitted that the respondents will ascertain the position whether the subject property has been recognized by CMDA or not and pass suitable orders.



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5. The learned counsel for the petitioner submitted that already a copy of the approved plan obtained from the CMDA, was annexed to the registered sale deed which is also available in the typed set of papers before this Court.

6. Heard the learned counsel for the petitioner and learned Special Government Pleader appearing for the respondents and perused the materials available on record.

7. It is seen that without any valid reason, the respondents cannot withhold the original document. Therefore, after following the procedures as contemplated under the Registration Act and Rules, if the third respondent found that the said document is in order, he is directed to return the original document to the writ petitioner or if the document is not otherwise in order, the third respondent is directed to conduct an enquiry by following due process of law and pass suitable orders within a period of three months from the date of receipt of a copy of this order.



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8. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

18.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The Inspector General of Registration,
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- 2.The District Registrar,
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