



W.P(MD)No.4319 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.4319 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,
Tenkasi District,
Tenkasi.
- 4.The Sub Registrar,
Sub Registrar Office,
Karivalamvanthanallur,
Tenkasi District.
- 5.The Chairperson,
Tamil Nadu Real Estate Regulatory Authority(TNRERA),
1st Floor, No.1-A, Gandhi-Irwin Bridge Road,
Egmore, Chennai-600 008.

(R5 is impleaded vide Court order dated
29.03.2023)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioners appeal petition dated 30.12.2019 seeking to issue patta in favour of the petitioner in respect of the property in old survey No. 683, 392/9, 8/9, 596/4 situated at Uthumalai Village, Veerakeralampudur Taluk, Tenkasi District measuring 13 Acre 92 Cents

For Petitioners	:	Mr.J.Balameenakshi
For R1 to R4	:	Mr.C.Satheesh Government Advocate
For R5	:	Mr.R.Satheesh Standing Counsel

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking interference with the check slip issued by the fourth respondent, Sub Registrar, Karivalamvanthanallur at Tenkasi District in RFL/ Karivalamvanthanallur/5/2022 dated 24.02.2022 and to direct the fourth respondent to register the sale deed submitted by the petitioner which was dated 24.02.2022.



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2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner had purchased lands measuring 3 acres and 72 cents in a string of survey numbers at Valavanthalpuram Village, Perumalpatti panchayat, Sankarankovil panchayat union, Sankarankovil Taluk, Tenkasi District, by a sale deed of the year 2015. The petitioner had sold house sites to some people. After purchasing the plots, the purchasers had also constructed houses. The petitioner had presented a sale deed for registration before the fourth respondent in December, 2021, but the sale deed was refused to be registered by the fourth respondent claiming that the entire project of the petitioner in subdividing the large extent of land into plots and selling it had not been registered under the Tamil Nadu Real Estate Regulatory Authority.

3. It is also evident that the said authority had issued notices to the petitioner herein and again on 31.12.2020 and 08.10.2021, specifically directing the petitioner to register the project before the said authority. Unfortunately, the petitioner had not taken that particular avenue and still presented the sale deed for registration before the fourth respondent.

4. The Tamil Nadu Real Estate Regulatory Authority had been impleaded as a further respondent by this Court by order in W.M.P(MD)No.12676 of 2022 dated 29.03.2023.



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5. Learned standing counsel for the said authority, had presented documents wherein he pointed out a Government order which had been passed as early as the year 2018, more specifically in G.O.Ms.No.166, Housing and Urban Development [UD4(3)] Department dated 29.11.2018, wherein after examining the fact that several projects were being registered without being any regulatory step taken over it, it had been finally stipulated as follows:

" 5.The Government carefully examined the request of the Chairperson, TNRERA in para 4 above and direct the Member Secretary, Chennai Metropolitan Development Authority and Commissioner of Town and Country Planning to include the registration of projects with TNRERA as one of the conditions in the planning permission and it compliance is a pre-requisite for issue of Completion Certificate, where the area of land proposed to be developed exceeds 500 sq.m., or the number of apartments proposed to be developed exceeds 8 inclusive of all phases. Compliance of this condition shall also be checked and ensured before issue of Completion Certificate. This condition is also to be incorporated in the Tamil Nadu Combined Development Regulations and Building Rules, 2018. "

6. Learned standing counsel also produced copies of the notice dated 31.12.2020 issued to the petitioner herein and the reply of the petitioner. The obligation of the petitioner to register the project is paramount and this Court cannot give a go by to the rules and regulations which are prevalent.



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7. A direction is therefore, given to the petitioner herein, if the petitioner seeks to register any sale deed, to get prior approval and registration from Tamil Nadu Real Estate Regulatory Authority(TNRERA) in the manner known to law. I am confident that the petitioner satisfies the rules and regulations of the said authority, they would register the project. But till then, the petitioner cannot register any plot or any piece of land.

8.In view of that particular fact, the refusal check slip is upheld and the writ petition is dismissed, however giving liberty to the petitioner to approach Tamil Nadu Real Estate Regulatory Authority for registration of their real estate project and the said authority may examine such application and pass necessary orders in accordance with the rules, regulations, guidelines and stipulations as are in force. No costs.

15.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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C.V.KARTHIKEYAN, J.

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To

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