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WP.No.10207 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10207 of 2024
and W.M.P.No.11266 of 2024

Selene Estate Limited

A Company incorporated under the Companies Act, 1956

Having its registered office at New No.63, G.N.Chetty Road

T.Nagar, Chennai - 600 017

U70109TN2006PLC131429

Represented by its Manager Mr.Ramesh Kumar

.. Petitioner

Versus

1.The District Collector

Fourth Floor, M.Singaravelar Maligai

No.62, Rajaji Salai, Chennai Collectorate

Chennai – 600 001

2.The Tahsildar, Sholinganallur Taluk

Sholinganallur, Chennai – 600 119

3.The Sub Registrar, Chennai South Joint – I

9, Jeenis Road, Saidapet, Chennai – 600 015

4.K.S.Parvathy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents 1 - 3 herein to take necessary steps to consider the representations dated 12-02-2024, 28-02-2024 and 26-03-2024 sent by the petitioner seeking to permit registrations by the petitioner before the 3rd respondent in the ordinary course of business except Flat E-403, 4th floor, Tower E2, Jalladianpet, Chennai 600 100 as per the provisions of the Tamil Nadu Revenue Recovery Act 1864



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For Petitioners : Mr.T.K.Bhaskar
for Mr.Chandramouli Prabhakar

For Respondents : Mr.P.Gurunathan for R1 & R2
Additional Government Pleader
Mr.Yogesh Kannadasan for R3
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2.This writ petition has been filed seeking for a direction to the respondents 1 to 3 to consider the petitioner's representations dated 12-02-2024, 28-02-2024 and 26-03-2024 to permit registrations by the petitioner before the 3rd respondent in the ordinary course of business except Flat E-403, 4th floor, Tower E2, Jalladianpet, Chennai 600 100 as per the provisions of the Tamil Nadu Revenue Recovery Act 1864.

3. It is the grievance of the writ petitioner that though the TNRERA has passed an order directing the petitioner to refund a sum of Rs.64,23,386/- with interest, now amounts to Rs.1,18,16,6410.50/- and also directed the first respondent to proceed under the Tamil Nadu Revenue Recovery Act 1864. The petitioner has also offered three flats to realise the entire amount. Without taking any steps, the second respondent has sent a letter to the third



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respondent/Sub Registrar not to register any documents in the entire survey number. According to the petitioner, based on such letter, no document could be registered in favour of the allottees which will have a serious complications. Hence, seeks a direction.

4. Heard both sides and perused the materials available on record.

5. This Court is of the view that for realisation of specific portion of amount, the registration of the entire survey number cannot be stalled, what has to be realised is only with regard to the amount ordered by the TNRERA with subsequent interest. Only to realise that amount the flats which would fetch such amount alone ought to be sold. The petitioner has offered three flats viz., Tower E2 403, Tower F1 Flat 1411 and Tower F1 Flat No.1412. When the value of flats are to the tune of Rs.1,31,07,500/-, still stalling the entire registration by giving an application not to register is unwarranted in view of this Court.

6. Accordingly, the respondents 1 to 3 are directed to consider the representations of the petitioner dated 12.02.2024, 28.02.2024 & 26.03.2024 and pass appropriate orders on merits and in accordance with law by giving



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suitable instructions to the concerned Sub-Registrar/third respondent. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.04.2024

dhk

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1.The District Collector
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No.62, Rajaji Salai, Chennai Collectorate
Chennai – 600 001

2.The Tahsildar, Sholinganallur Taluk
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N. SATHISH KUMAR, J.



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