



WP.No.12894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.12894 of 2023
and W.M.P.Nos.12687 & 12688 of 2023

M/s.Metrozone Phase 4 Apartment Buyers Association (MZP4ABA)
Pillaiyar Koil Street
Jawaharlal Nehru Road
Anna Nagar, Chennai – 600 040
Rep by Joint Secretary
Mr.S.Sankara Raj .. Petitioner

Versus

1.The Tahsildar
Aminjikarai Taluk
Shenoy Nagar, Chennai – 600 030

2.The District Collector
4th Floor, M.Singaravelar Maligai
62, Rajaji Salai
Chennai Collectorate, Chennai – 600 001

3.The Sub Registrar
Anna Nagar, Sub Registrar Office
Nolambur, Chennai – 600 037

4.M/s.Ozone Projects Pvt Ltd
No.63,G.N.Chetty Road
T.Nagar, Chennai – 600 017
Rep by its Managing Director
Mr.S.Vasudevan

5.S.Vasudevan

6.Yogi Saraf



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7.Rinku Saraf

.. Respondents

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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order i.e., Letter bearing Na.Ka.No.C1/0166/2022 dated 21.12.2022 issued by Respondent No. 1 to Respondent No. 3 quash the same and consequently direct Respondent No. 3 to register the Sale deeds for those members of the petitioner who as and when place the sale deeds for registration.

For Petitioner : Mr.S.Aravindhnan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

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

2.This writ petition has been filed challenging the order in Letter bearing Na.Ka.No.C1/0166/2022 dated 21.12.2022 issued by first respondent to the third respondent, quash the same and consequently direct third respondent to register the sale deeds for those members of the petitioner who as and when place the sale deeds for registration.

3. It is the grievance of the writ petitioner that under the Revenue Recovery Act in respect of attaching the area namely earmarked for constructing the AF Tower, the entire property namely 33 acres have been



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attached. Pursuant to the same, other genuine buyers could not present the document for registration. The order of attachment passed by the District Collector under Revenue Recovery Act indicate that the attachment is only meant for the area earmarked for the construction of EF Tower. However, in the later part of the order, it included the entire extent of 33 acres. Hence, this writ petition.

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

5. Considering the facts and circumstances of the case, this Court is of the view that the entire 33 acres cannot be attached for recovery of sum of Rs.1,97 crores, which, in fact, will have a serious impact on the other home buyer.

6. Such view of the matter, let the District Collector pass an order making proper enquiry by measuring the area earmarked for construction of AF Tower and pass an attachment order in respect of the specific area alone and not in entire extent of 33 acres. Thereafter, proceed to recovery of that amount and intimate the order to the concerned Registrar Office so that other genuine buyers will not be put into the difficulties.



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7. It is also brought to the notice of this Court that the home buyers are not in a position to register their property from the year 2010. Such view of the matter, let the District Collector shall also pass a fresh order for attachment taking note of the fact that the recovery warrant is issued by the RERA is only with regard to recovery of sum of Rs.1 crore 97 lakhs for that place earmarked for construction of AF Tower alone to be identified and the attachment should be passed and intimate the same to the concerned Registrar Office to allow the registration in respect of other area and also expedite the revenue recovery proceedings to the extent which satisfy the amount of Rs.1 Crore 97 lakhs with subsequent interest.

8. The District Collector shall redo the exercise within a period of one month and intimate the registering department as to the nature of the attachment passed in the area earmarked for construction of EF Tower. As far as the remaining area is concerned, the District Collector shall inform the concerned Sub Registrar that the same will not come under the attachment.

9. The impugned order will not come in the way of registration, if fresh order by the District Collector attaching the property is restricted to small area.



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10. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

24.04.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Tahsildar
Aminjikarai Taluk
Shenoy Nagar, Chennai – 600 030

2.The District Collector
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N. SATHISH KUMAR, J.

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