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W.P.No.12371/2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 02-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.12371 of 2023

Vetriselvan

...

Petitioner

-VS-

1.The Sub Registrar,
Sriperumbudur,
Kancheepuram District.

2.The Directorate of Town and Country Planning,
No.331/95, Kottrampalayam Street,
Rangasamy Kulam,
Kancheepuram District – 631 501.

3.S.Murali

4.M/s.VGP Investment

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus to call for the records of the first respondent in his refusal number: RFL/Sriperumbudur/30/2022, dated 11.10.2022, and quash the same as being illegal and unsustainable in law and for a consequential direction to the first respondent to register the document (sale deed) with temporary registration No.TP/134096294/2022, situated in S.F.No.103/10 & 11 and new S.F.No.103/10B & 103/11B, Nemili, Sriperambudur, Chengalpattu, in Plot No.1055 to an extent of 2400 sq.ft. in pata No.6802.



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For Petitioner : Mr.A.Rajarajan

For Respondents 1 & 2 : Mr.Yogesh Kannadasan,
Spl.Govt.Pleader.

For Respondents 3 & 4 : No appearance

ORDER

This Writ Petition has been filed challenging the refusal of the first respondent to register the document presented by the petitioner.

2. Document has not been registered mainly on the ground that there is a stay in respect of the registration of the property belonging to fourth respondent – M/s.VGP Investment. Refusal Slip indicates the same.

3. Counter affidavit has been filed by the first respondent, wherein Paragraph 8 reads as under :

"8. I submit that with regard to the grounds made out by the petitioner in the affidavit it is respectfully submitted as under :

i) With regard to grounds (a) and (b) it is respectfully submitted that this respondent has returned the sale deed in question without accepting the presentation directing the petitioner to re-present the sale deed with copy of approved layout plan so as to see whether the piece of lands earmarked for OSR, Park, Roads, etc., are not being alienated. Hence, the contention of the petitioner is not sustainable.



ii) *As regards ground (c) it is respectfully submitted that this respondent has affirmed the statement of the petitioner that the layout is approved one. But in the software developed by the department, the reasons for return should be in the form of click. Hence, there is an error in the Check slip issued by the respondent which is impugned by the petitioner. The reason for return of the petitioner's sale deed is for the reasons submitted in the preceding ground.*

iii) *With regard to ground (d) it is respectfully submitted that the petitioner's sale deed was returned not for sole reason that already there is an objection petition as to the locus standi of the representative of the 4th respondent to execute the documents, but to avoid any sale of piece of lands earmarked for OSR public purpose, this respondent demanded the petitioner to produce the copy of approved layout plan. Hence, the contention of the petitioner is not sustainable in law."*

4. Since it is admitted by the respondent that the petitioner can re-represent the sale deed with a copy of the approved layout plan, let the petitioner re-present the sale deed for registration with a copy of the approved layout plan, in which event, the first respondent shall register the document as per law.

5. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.Nos.12209 and 12210 of 2023 are closed.

02-04-2024

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- To
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N.SATHISH KUMAR, J.

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