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W.P.No.11495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.11495 of 2024

&

W.M.P.Nos.12600,12602 and 12604 of 2024

R.Easwaramurthy

... Petitioner

Vs.

1.Tamil Nadu Housing Board
rep by its Managing Director
No.331, Anna Salai, Nandanam
Chennai-600 034

2.The Executive Engineer and Admin Officer
Tamil Nadu Housing Board,
Besant Nagar Division
n/o.48, Dr. Muthulakshmi Salai
1st Floor Shopping Complex, Shastri Nagar
Adayar, Chennai-600 020

3.The Inspector General of Registration
No.100, Santhome High Road
Mylapore, Chennai-600 028

4.The Sub-Registrar
Sub-Registrar Office
Neelangarai, Chennai-600 041

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the impugned Letter No.HS/6180-A/05-1 dated 12.08.2020 as well as sent a fresh Letter No.HS/6180-A/05-1 dated 24.11.2023 issued by the 2nd respondent consequential return check slip issued by the 4th respondent in RFL/Neelankarai/2/2023 dated 26.04.2023 and quash the same in so far as it relates to the property viz., bearing Plot Nos.1,2 and 3 measuring 123.57 sq.meters, 86.26 sq.meters and 106.40 sq.meters respectively, situated at Poniamman Koil 2nd street, comprised in Survey No.612/12A, Sholinganallur Village, (Patta No.19766), Sholinganallur Taluk, Kancheepuram District and consequently direct the 4th respondent to register the sale deed dated 26.04.2023 executed by the petitioner in respect of the said property.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for
Nr.P.Navaneetha Krishnan

For Respondents : Mr.D.Veerasekaran for R1 and 2

Mr.P.Anandhakmar, Govt. Advocate
for R3 and 4

ORDER

Writ petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Letter No.HS/6180-A/05-1 dated 12.08.2020 as well as sent a fresh Letter No.HS/6180-A/05-1 dated 24.11.2023 issued by the 2nd respondent consequential return check slip issued by the 4th respondent in



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RFL/Neelankarai/2/2023 dated 26.04.2023 and quash the same in so far as it relates to the property viz., bearing Plot Nos.1,2 and 3 measuring 123.57 sq.meters, 86.26 sq.meters and 106.40 sq.meters respectively, situated at Poniamman Koil 2nd street, comprised in Survey No.612/12A, Sholinganallur Village, (Patta No.19766), Sholinganallur Taluk, Kancheepuram District and consequently direct the 4th respondent to register the sale deed dated 26.04.2023 executed by the petitioner in respect of the said property.

2. This Writ Petition came up for admission on 24.04.2024 on that day Mr.R.Veerasekaran, learned counsel took notice for the respondents 1 and 2 and Mr.Yogesh Kannadasan, learned Special Government Pleader took notice for the respondents 3 and 4 and sought adjournment to get instructions. Accordingly, the matter is posted today i.e., 29.04.2024. However, today in the cause list the same is not reflected due to inadvertent error. Therefore, the learned Senior counsel appearing for the petitioner mentioned in the morning about the omission of the Writ Petition in the cause list. Accordingly, the Writ Petition is posted in the additional list and taken up in the afternoon.



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3. The case of the Writ Petitioner is that he has purchased the property from Capegemini Technology Services India Limited (formerly known as IGATE Global Solutions Limited). When the document was presented for registration the same was rejected on the ground that Review Application No.172 of 2017 is pending. Challenging the said order, the present Writ Petition is filed.

4. Originally, the vendor IGATE global solutions Limited filed a Writ Petition No.25791 of 2010, challenging the land acquisition. The said Writ Petition was allowed on 02.07.2014, holding that land acquisition proceedings lapsed in view of Sec.24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. As against that challenge, Writ Appeal has been filed before the Division Bench in W.A.Nos.1101 of 2014 and batch. The W.A.No.1101 of 2014 is related to the subject property. The said Writ Appeal was also dismissed. As against which, Review Application No.172 of 2017 was filed. This Court by order dated 27.09.2023 dismissed the said Review Application and the matter has attained finality and now there is no materials available on record to show that the matter has been challenged.



Therefore, when the Review application which was shown as a reason for refusal itself is dismissed, now the respondents Housing Board cannot contend that they are the owner of the property.

5. Heard Mr.AR.L.Sundaresan, Senior Counsel for Mr.P.Navaneetha Krishnan, learned counsel for the petitioner and Mr.D.Veerasekaran, for the respondents 1 and 2 and Mr.P.Anandhakmar, learned Government Advocate for the respondents 3 and 4.

6. Considering the above factual aspects and that the matter has reached finality, the Registration authority cannot refuse the document on the ground that Review Application is still pending as the Review Application is already dismissed by the Division Bench of this Court on 27.09.2023 and certified copy of the order is very much available. The dismissal of the Review Application is also not disputed by the respondents and therefore, the Registering Authority has no right to refuse the document citing the same reason. Accordingly, the impugned Letter No.HS/6180-A/05-1 dated 12.08.2020 as well as sent a fresh Letter No.HS/6180-A/05-1 dated 24.11.2023 issued by the 2nd respondent consequential return check



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slip issued by the 4th respondent in RFL/Neelankarai/2/2023 dated 26.04.2023 is set aside and further direction is given to the 4th respondent to register the document submitted by the petitioner within a period of 15 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

29.04.2024

Internet: Yes

Index: Yes/No

Neutral citation: Yes/No

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Note: Issue order copy on 30.04.2024



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To
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Tamil Nadu Housing Board
No.331, Anna Salai, Nandanam
Chennai-600 034
- 2.The Executive Engineer and Admin Officer
Tamil Nadu Housing Board,
Besant Nagar Division
n/o.48, Dr. Muthulakshmi Salai
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- 3.The Inspector General of Registration
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- 4.The Sub-Registrar
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N. SATHISH KUMAR, J.

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