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C.R.P. (PD) .No. 4332 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No. 4332 of 2024

J.Vatsala Jegannathan

...Petitioner

Vs.

Ananya Shelter Private Limited
Represented by its Managing Director
5/1C, Gandhi Nagar,
Kavundampalayam (Post)
Coimbatore – 641030.

...Respondent

Prayer: Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 22.08.2024 passed by the 1st respondent in C.(Sr).No.739 of 2024.

For Petitioner : Mr. R.Harikrishnan



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C.R.P. (PD) .No. 4332 of 2024

ORDER

This Civil Revision Petition seeks to set aside the docket order passed by the learned Legal Officer, Tamil Nadu Real Estate Regulatory Authority, dated 22.08.2024.

2. The Civil Revision Petitioner claims that inter se between the parties there is a dispute pending on the file of the Principal Subordinate Judge, Coimbatore, in A.S.No.47 of 2023. She alleges that suppressing the said civil proceedings, an application has been filed stating that there are no encumbrance over the property and permission has been obtained. Feeling aggrieved by the grant of permission, the petitioner invoked Section 7 of the Real Estate (Regulation and Development) Act, 2016. The said petition was not numbered by the Legal Officer and it was returned. Hence, this revision.



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C.R.P. (PD) .No. 4332 of 2024

3. It has been settled by the Judgement of this Court in ***Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited – (2021) 5 MLJ 467***, that at the stage of numbering, the work done by the Court or Tribunal is only a ministerial act. Issues which arise at the stage of judicial consideration cannot be raised by the Registry. That being the position of law, the demand to the plaintiff to prove title to the property when the title itself is the subject matter of litigation before the Court cannot be accepted. It is a decision which has to be taken in terms of Section 7 of the Real Estate (Regulation and Development) Act, by the Authority after applying its mind to the facts of the case.

4. In the light of the above discussion, the return dated 22.08.2024 is set aside. There shall be a direction to the Tamil Nadu Real Estate Regulatory Authority to number the petition filed under Section 7 of the Act, issue notice to the respondent and pass orders in accordance with law.



C.R.P. (PD) .No. 4332 of 2024

WEB COPY

5. With the above observation, the Civil Revision Petition is allowed. No costs.

28.10.2024

Index : Yes/No
Internet : Yes/No
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Note: The Registry shall return the originals to the learned counsel for the petitioner after obtaining usual endorsement.



C.R.P. (PD) .No. 4332 of 2027

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The Legal Officer,
Tamil Nadu Real Estate Regulatory Authority.



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C.R.P. (PD) .No. 4332 of 2024

V.LAKSHMINARAYANAN, J.

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C.R.P. (PD) .No. 4332 of 2024

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