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W.P.No.32532 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.32532 of 2019

and

W.M.P.No.32890 of 2019

1.K.Nallusamy
2.Mrs.N.S.Shanthi
3.Mrs.K.Manimozhi

...Petitioners

-Vs-

1.The Sub-Registrar,
Selaiyur,
No.36, Baratha Madha Koil Street,
Selaiyur, Chennai – 59.

2.The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project,
Metro, Alandur, Chennai – 16.

3.The Karur Vysya Bank Limited,
No.85, Tambaram Velachery Road,
Rajakilpakkam, Selaiyur,
Chennai – 600 073.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to register the document presented for registration by the petitioners titled 'Memorandum of Deposit of Title Deeds for Additional/Enhancement of Loan' dated 09.07.2019 and allotted



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Temporary No.TP/66765958/2019 and pass such further orders.

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For Petitioners : Mr.S.Jenasenan
For R1 & R2 : Mr.P.Anandakumar
Government Advocate
For R3 : No appearance

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent to register the document presented for registration by the petitioners titled 'Memorandum of Deposit of Title Deeds for Additional/Enhancement of Loan' dated 09.07.2019 and allotted Temporary No.TP/66765958/2019.

2. Learned counsel for the petitioners submitted that pursuant to the execution of the loan document, the petitioners submitted the said document dated 09.07.2019 to the first respondent for registration and paid the requisite stamp duty and registration fees of Rs.36,200/-. However, when the petitioners approached the first respondent to complete the registration process, the first respondent informed them that he had received a notice from the second respondent intimating about the initiation of the acquisition proceedings with respect to the subject property and in view of the same, the



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petitioners appeared on 09.07.2019 at 2 pm time slot, which was allotted them and presented the document. But the first respondent refused to receive the document since there is acquisition proceedings and directed the petitioners to obtain a 'No-Objection Certificate' from the second respondent if they intend to proceed with the registration.

3. Learned counsel further submitted that he has paid the stamp duty and registration fee of sum of Rs.36,200/-. If the same is paid, it can be adjusted as per the present rules.

4. Per contra, the learned Government Advocate appearing for respondents 1 and 2 submitted that no document was presented for registration as submitted by the learned counsel for the petitioners.

5. Learned Government Advocate further submitted that the petitioners may present the document for registration if the same is in order and there is no land acquisition proceedings, it will be registered by the first respondent in accordance with law.



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6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following directions:

- a) The petitioners are directed to initiate a fresh process of presenting the document by following the rules of the Registration Department within a period of two weeks from the date of receipt of a copy of the order.**
- b) On receipt of the same, the first respondent / Sub-Registrar, Selaiyur, Chennai, may register it if it is in order and there is no land acquisition proceedings within a period of four weeks thereof.**

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

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cda
Index : Yes / No
Speaking / Non-Speaking Order



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J.SATHYA NARAYANA PRASAD, J.

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