



W.P.No.34537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.34537 of 2024

and

W.M.P.Nos.37439 and 37440 of 2024

Mahesh Sivaprakasam

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Tambaram.

2. The Sub Registrar,
Thiruporur.

3. M/s.Jacaranda Properties Private Limited.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 1st Respondent in Na.Ka.No.3218/2020 dated 03.04.2024 and consequently direct the 2nd Respondent to accept the documents for registration for the property situate at Plot No.92 comprised in S.No.172p, 173/1p situated at Siruseri Revenue Village, Vandalur Taluk, Chengalpattu District measuring about 581 sq.ft.



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For Petitioner : Mr.Dhalapathy Vignesh Kumar
For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader

ORDER

Mr.M.Shahjahan, learned Special Government Pleader takes notice on behalf of the Respondents 1 and 2.

2. This Writ Petition has been filed for a certiorarified mandamus to call for the records of the impugned order passed by the 1st Respondent in Na.Ka.No.3218/2020 dated 03.04.2024 and consequently direct the 2nd Respondent to accept the documents for registration for the property situate at Plot No.92 comprised in S.No.172p, 173/1p situated at Siruseri Revenue Village, Vandalur Taluk, Chengalpattu District measuring about 581 sq.ft.

3. It is the contention of the Petitioner that the Petitioner had entered into an agreement with the 3rd Respondent under a registered Agreement of Sale dated 07.03.2024 for purchasing of the vacant land in an approved layout bearing Plot No.92 measuring to an extent of 518 sq. ft., comprised in part of Survey Nos.172p, 173/1p situated at Siruseri Revenue Village,



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Vandalur Taluk, Chengalpattu District. After entering into the Sale Agreement, the Petitioner has on several occasions approached the 3rd Respondent to register the Sale Deed. However, the 3rd Respondent had been putting off the execution under one pretext or another.

4. It appears that the Petitioner had directly approached the 2nd Respondent to verify as to whether there was any encumbrance in respect of the property which stood in the way of registering the Sale Deed. The 2nd Respondent informed the Petitioner that there was a protest petition from the 1st Respondent to register the Sale Deed in respect of Survey Nos.179/1B, 179/2A, 179/2B, 169/1, 169/2 and 169/3 at Siruseri Revenue Village, Vandalur Taluk, Chengalpattu District.

5. The Petitioner would submit that the protest petition did not cover the property which is the subject matter of the sale. The 1st Respondent had given a protest petition on the ground that in the properties which were covered under the protest petition there was a water channel and that the 3rd Respondent had obtained planning permission suppressing the same.



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6. The Petitioner's contention is that the property that he is purchasing does not come within the water channel or the properties subject matter of the protest petition. Therefore, the refusal to register the Petitioner's Sale Deed is without any basis.

7. The Petitioner has sought to quash the Order dated 03.04.2024 which is the letter addressed by the Revenue Divisional Officer to the Sub Registrar. This relief cannot be granted as it covers other parties unconnected to the Petitioner's property. Therefore, the Writ Petition is partly allowed and a mandamus is issued to the 2nd Respondent to register the Sale Deed of the Petitioner relating to the property bearing Plot No.92 comprised in Survey Nos.172p, 173/1p situated at Siruseri Revenue Village, Vandalur Taluk, Chengalpattu District within a period of two (2) weeks of from the date of its representation. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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WEB COPY

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