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WP.No.35960 of 2024

In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35960 of 2024

M/s.G Square Realtors (P) Ltd.,
rep.by its Authorized Signatory
M.Mohamed Asick

...Petitioner

Vs

The Sub-Registrar, Gandhipuram
SRO, Gandhipuram, Coimbatore-35.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to admit and register the sale deed dated 14.8.2024 with respect to plot No.10 measuring an extent of 1,497.464 sq.ft. forming part of layout namely Hill View Phase 1 comprised in survey No.417/2B1A, new subdivision survey No.417/5 situated at Chinnavedampatti Village, Coimbatore North Taluk, Coimbatore District.

For Petitioner : Ms.K.Indupriya
For Respondent : Mr.P.Harish, GA

ORDER



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Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondent.

2. The facts, which have given rise to filing of the above writ petition, are herein below set out :

(i) The lands comprised in survey No.417/2B1A measuring 1.27 $\frac{3}{4}$ acre, survey No.417/2B1B measuring 1.01 $\frac{3}{4}$ acre now subdivided into survey No.417/2B1B1 measuring 0.58 $\frac{1}{4}$ acre and survey No.417/2B1B3 measuring 0.43 $\frac{3}{4}$ acre, totally measuring 2.29 $\frac{1}{2}$ acres situated at Chinnavedampatti Village, Coimbatore North Taluk, Coimbatore originally belonged to one Mr.C.B.Murali and his son - one Mr.B.M.Naveen. They intended to develop the said lands into a residential layout. As a pre-requisite for developing the said lands, they gifted the areas earmarked for roads for public purpose in favour of the Coimbatore Corporation under a registered gift deed dated 11.8.2022 vide doc.No.8801 of 2022 on the file of the Sub-Registrar, Gandhipuram. They had also obtained an approval from the Director of Town and Country Planning for the remaining lands.

(ii) Thereafter, they decided to sell plot Nos.1 to 47. For that purpose, they appointed the petitioner as their power of attorney vide irrevocable power of attorney deed dated 19.9.2022 registered as doc.No.10385 of 2022 on the file of the same Sub-Registrar and



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received a sum of Rs.3,66,40,000/- towards the total sale consideration to sell and deal with the aforementioned plots. Subsequently, the original documents with reference to the said properties were handed over to the petitioner and it is only thereafter the petitioner developed a layout in the name of 'Hill View Phase 1'. Since the power of attorney deed executed by them in favour of the petitioner is one coupled with interest, the same was made irrevocable. The petitioner also sold 41 plots out of the total 47 plots.

(iii) That being so, the said Mr.C.B.Murali had submitted a protest petition dated 16.2.2024 to the respondent stating that the alienation of the plots were made without informing them and without obtaining any life certificate from them and objected to the registration.

(iv) The grievance of the petitioner is that after finding a buyer for plot No.10, the petitioner drafted a sale deed and submitted it online for registration on 13.8.2024 and the registration was fixed on 14.8.2024. However, when the petitioner presented the sale deed on 14.8.2024, it was refused to be registered by the respondent citing the protest petition given by the said Mr.C.B.Murali. Hence, the petitioner is before this Court for a Mandamus to direct the respondent to admit and register the sale deed dated 14.8.2024 with respect to plot No.10 measuring an extent of 1,497.464 sq.ft. forming



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part of layout namely Hill View Phase 1 comprised in survey No.417/2B1A, new subdivision survey No.417/5 situated at Chinnavedampatti Village, Coimbatore North Taluk, Coimbatore District.

3. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

4. The documents that have been enclosed with the affidavit filed in support of the writ petition would show that the petitioner paid a total sum of Rs.3,66,40,000/- to the said Mr.C.B.Murali and the said Mr.B.M.Naveen including the tax deducted at source. The power of attorney deed contains a recital to that effect and it would further read that the aforesaid amount is the total sale consideration for the B schedule property, which was the subject matter of power. The amounts were paid in parts both by cheque and RTGS. The receipt of the entire amount has also been acknowledged. Further, 41 sale deeds have been executed on the strength of the said power of attorney deed.

5. What is contained in the protest petition is that they were



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not informed about the sales that have been entered into between the petitioner and the prospective buyers. The power of attorney clearly states that it is an irrevocable one since the entire sale consideration has been received by the principals to execute the power of attorney. Therefore, even on the terms of the power of attorney, there is no obligation on the part of the petitioner to report each and every sale to the principals. The same has not been demanded for 41 documents.

6. As regards the issue in respect of the life certificate not being produced, the intent of the production of the life certificate is only to confirm that the principals are alive. Since the said Mr.C.B.Murali himself lodged the protest petition as late as 16.2.2024, even this requirement need not be insisted upon.

7. Therefore, the writ petition is allowed and a Mandamus is issued to the respondent to register the document presented by the petitioner on 14.8.2024 within a period of two weeks from the date of its representation. No costs.

28.11.2024

To
The Sub-Registrar, Gandhipuram



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