



WP.Nos.39102, 39104 & 39121
of 2024

In the High Court of Judicature at Madras

Dated : 20.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition Nos.39102, 39104 & 39121 of 2024

M/s.Max Space Reality
LLP., rep.by its Partner
P.Sekar

...Petitioner in
all the WPs

Vs

The Sub-Registrar, Sulur
SRO, Sulur, Coimbatore.
641402.

...Respondent in
all the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Mandamus directing the respondent to admit and register the sale deeds all dated 30.11.2024 with respect to plot No.215 measuring 1,354.15 sq.ft., plot No.216 measuring 1,293 sq.ft., and plot No.219 measuring 856.31 sq.ft. respectively forming part of layout namely 'Spring Fields', comprised in S.No.123/1A situated at Kannampalayam Village, Sulur Taluk, Coimbatore (South) District.

For Petitioner : Ms.K.Indupriya



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For Respondent : Ms.C.Meera Arumugam, AGP

COMMON ORDER

Seeking a direction to the respondent to register the sale deeds dated 30.11.2024 in respect of plot Nos.215, 216 and 219 comprised in S.No.123/1A situated at Kannampalayam Village, Sulur Taluk, Coimbatore (South) District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

3. The facts leading to filing of these writ petitions are as follows:

(i) The lands measuring 12.35 acres comprised in S.Nos.123/1A, 124/1 and 124/2 situated at Kannampalayam Village, Sulur Taluk, Coimbatore District originally belonged to one M/s.VIP Estates LLP represented by its partners namely (i) M/s.Suvarnabhoomi Enterprises Private Limited, (ii) Mr.K.Raja and (iii) Mr.M.Subramaniam. They intended to develop the said properties into residential layouts and as a condition precedent, vide gift deed dated 20.4.2021 registered as doc.No.6065 of 2021 on the file of the respondent, they executed a gift deed earmarked for roads, park and open space reservation in



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favour of Kannampalayam Town Panchayat. They also executed a gift deed dated 20.4.2021 registered as doc.No.6064 of 2021 on the file of the respondent in favour of the Tamil Nadu General and Distribution Corporation Limited.

(ii) Later, the land owners obtained the layout approval on 22.7.2021 and the planning permit on 22.7.2021. They further obtained the final approval on 19.11.2021. Pursuant to that, the land owners executed three general power of attorney deeds in favour of the petitioner on 15.12.2021, 20.12.2021 and 12.1.2022 respectively for 65 plots for a total sale consideration of Rs.2.59 Crores, for 61 plots for a total sale consideration of Rs.2.22 Crores and for 94 plots for a total sale consideration of Rs.5.19 Crores and they were also registered as doc.Nos.17187 and 17430 of 2021 and 581 of 2022 respectively on the file of the respondent. The petitioner developed the layout and named it as 'Spring Fields'. The petitioner wanted to convert owner use plots 1 and 2 comprised in S.No.124/2, Kannampalayam Village into residential plots and as a condition precedent, one of the principals namely M/s.VIP Estates LLP through the power agent - the petitioner executed a gift deed dated 17.8.2022 in favour of the Kannampalayam Town Panchayat registered as doc.No.13873 of 2022 on the file of the respondent.



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(iii) Subsequently, the petitioner obtained the revised layout approval dated 22.9.2022 for the additional 28 plots and the planning permit dated 22.9.2022. The petitioner also obtained final approval on 30.12.2022. Thereafter, the petitioner registered the layout with the Tamil Nadu Real Estate Regulatory Authority on 31.1.2023. The land owners received the entire sale consideration. As per the general power of attorney deed dated 12.1.2022, the possession of B Schedule properties was handed over to the petitioner, who also sold 82 plots to various persons out of 94 plots comprised in S.Nos.123/1A and 124/2, Kannampalayam Village, Sulur Taluk, Coimbatore District.

(iv) At this juncture, the said Mr.K.Raja submitted a protest petition dated 25.5.2024 before the respondent. After finding the prospective buyers in respect of plot Nos.215, 216 and 219 respectively measuring 1,354.15 sq.ft., 1,293 sq.ft., and 856.31 sq.ft., the petitioner presented the sale deeds dated 30.11.2024 before the respondent for registration. However, the respondent refused to register the sale deeds on the ground that a protest petition has been filed by the said Mr.K.Raja stating that the petitioner is acting against the principals. The respondent neither registered and returned the documents nor gave check slips refusing to register the same. Hence the writ petitions.



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

5. It is the partnership firm, which has executed the general power of attorney deeds in favour of the petitioner - M/s.Max Space Realty LLP represented by the authorized signatory - Mr.S.S. Sathiyaanarayanaa. Having signed and registered the general power of attorney deeds authorizing the power agent to sell the subject properties after receiving the entire sale consideration, it does not lie in the mouth of the said Mr.K.Raja to lodge a protest petition before the respondent. If the said Mr.K.Raja is aggrieved by the action of the power agent, he has to secure appropriate orders from the competent civil court.

6. In the light of the above, the writ petitions are allowed and the respondent is directed to register the sale deeds dated 30.11.2024 presented by the petitioner within two weeks from the date of receipt of a copy of this order. No costs. The Additional Government Pleader is entitled to separate fees in each of the cases.

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P.T.ASHA,J

RS

To
The Sub-Registrar, Sulur SRO,
Sulur, Coimbatore. 641402.

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