



WEB COPY

WP No. 18933 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 18933 of 2019

1. V.Saraswathi

Petitioner(s)

Vs

1. The Inspector General of Registration,
No.100 Santhome High Road,
Chennai-600 028.

2.The District Registrar,
Chengalpattu.

3.The Sub Registrar,
No.29, South Mada Street,
Thiruporur-603 110,
Kancheepuram District.

4.The Gandhi Nagar Co-operative Housing
Society Ltd.(No.XNC-494)
(Represented by its Administrator)
having office at No.22/79,
Pumping Station Road, Gandhi Nagar,
Adyar, Chennai-600 020.

5.O.P. Siddharthan
CSR/Executive officer, 55,
TAN COF Complex,
Thiru Vika ka Industrial Estate,
Guindy 600 032.



6. The Registrar of Co-operative Societies
(Housing)

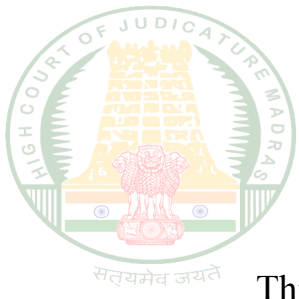
WEB COUNCIL Building 2nd Floor Annex,
No.493, Anna Salai Nandanam,
Chennai-600 035.

Respondent(s)

PRAYER: Writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent, herein, issued in Refusal order No.11/2013 dated 09.05.2013 and the abnormal delayed proceedings of the 2nd respondent issued in 2090/B1/2013 dated 02.05.2018 and which is contrary to Gazette notification of the 1st respondent's order and quash the same and to direct the 3rd respondent to permit the petitioner to re-present the refused registration of the sale deed dated 17.04.2017 (Pending Doct.No.185 of 2013) and direct the 3rd respondent to register and return the aforesaid document if it is otherwise in order as per the Registration Act, 1908.

For Petitioner(s): Mr.N.P.Kumar

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1 to R3
Mr.L.P.Shanmugasundaram
For R4
Mr.K.Tamilvendan,
Government Advocate For R6

**ORDER**

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This writ petition has been filed, challenging the Refusal order No.11/2013 dated 09.05.2013 passed by the third respondent as well as the abnormal delayed proceedings of the second respondent issued in 2090/B1/2013 dated 02.05.2018, as the same is contrary to Gazette notification of the first respondent's order. The petitioner also sought a direction to the third respondent to permit the petitioner to re-present the refused registration of the sale deed dated 17.04.2017 (Pending Doct.No.185 of 2013) and also to direct the third respondent to register and return the aforesaid document, if it is otherwise in order as per the Registration Act, 1908.

2.The petitioner is a member of the fourth respondent Society and she was allotted plot No.78A in the layout formed by the authorities concerned at Thazhambur Village. The fourth respondent fixed the price for plot No.78 A at Rs.1,28,000/- for 800 sq.ft. The petitioner paid the entire sale consideration and presented the sale deed for registration before the third respondent. However, it was kept pending, vide Doc No.185/2013, by issuing a refusal slip, thereby,



refusing to register the sale deed. Aggrieved by the same, the petitioner preferred an appeal before the second respondent.

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3.A perusal of the counter filed by the third respondent reveals that the fifth respondent as Administrator of the fourth respondent had sold out several plots, in total and 19 documents have been executed on the same day on 17.04.2013 by undervaluing the price as against the market value of the property, prevailing at the time of the allotment of the plots. Therefore, the sixth respondent had informed the third respondent that the fifth respondent was suspended with effect from 21.04.2013 and disciplinary proceedings were also initiated against the fourth respondent for causing loss to the society. Section 71 of the Registration Act does not lay down the factors on which a document shall be refused for registration. Further, on perusal of the encumbrance certificate for the period from 01.01.2011 to 31.12.2015, no sale deed was executed by the fourth respondent in favour of its members at the rate of Rs.160 per sq.ft. Therefore, the third respondent had rightly refused to register the sale deed, since it was fraudulently executed by the fifth respondent in favour of the



petitioner and now, the fifth respondent is facing disciplinary proceedings initiated by the fourth respondent Society. Hence, this Court finds no infirmity

or illegality in the order impugned.

4. Accordingly, the writ petition stands dismissed. However, the petitioner is at liberty to approach the fourth respondent for purchase of the subject plot for valid consideration on the market value of the property, prevailing at the time of allotment of plots. After the grant of permission to the petitioner to pay the entire sale consideration on par with the market value of the property, prevailing at the time of allotment of plots as fixed by the fourth respondent, the sale deed executed in favour of the petitioner can be re-presented for registration. No costs. Consequently, connected miscellaneous petition, if any, is also closed.

02-09-2025

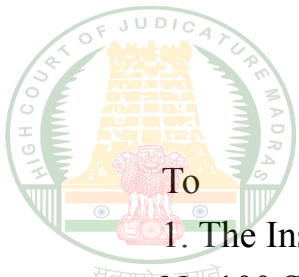
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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