

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION Nos.10973 and 10974 of 2015

A.Usharani .. Petitioner in
WP 10973/2015

S.Aruna .. Petitioner in
WP 10974/2015

vs

- 1.The Registrar
Cooperative Societies (Housing)
Housing Department
Government of Tamil Nadu
Nandhanam, Chennai 600 035
- 2.The Special Officer
The Thyagarayanagar Cooperative
Building Society Ltd
New No.28, Old No.18, Ramanathan
Street
T.Nagar, Chennai 600 017

.. Respondents in
both writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to register Plot Nos.28 and 27 in 'Sri Kumaran Co-operative Nagar' at Kundrathur, Chennai respectively in the names of the petitioners as per the allotment letter dated 4.5.2006.

For Petitioners : Mr.S.Suresh

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal.

2.WP No.10973/2015:- The petitioner on becoming a member of the second respondent-Society, on the basis of the newspaper advertisement, booked a plot on 4.5.2006, and was allotted Plot No.28 vide receipt No.1256 dated 4.5.2006, and she has also paid the sale consideration of Rs.5,42,400/- by means of two cheques dated 4.5.2006 and 15.11.2006, each for a sum of Rs.2,71,200/- and receipt Nos.409 dated 4.5.2006 and 448 dated 15.11.2006 were also issued in her favour.

3.WP No.10974/2015:- The petitioner on becoming a member of the second respondent-Society, on the basis of the newspaper advertisement, booked a plot on 4.5.2006, and was allotted Plot No.27 vide receipt No.1255 dated 4.5.2006, and she has also paid the sale consideration of Rs.5,42,400/- by means of two cheques dated 4.5.2006 and 1.12.2006, each for a sum of Rs.2,71,200/- and receipt Nos.410 dated 4.5.2006 and 449 dated 1.12.2006 were also issued in her favour.

4.The grievance now expressed by the petitioners, is that though the second respondent has received the entire sale consideration, they did not come forward to register the said plots in their names and the Government vide Gazette Notification dated 14.2.2007, has also accorded permission for re-classification of Survey Nos.1110-1B, 1111-1B, 1112-1B, 1113, 1116, 1117-2, 1118-2, 1119-1, 2 & 3 of Kundrathur Village, Kancheepuram District as "Primary Residential" use zone; but, no sale deed was executed in their favour and in this regard, the petitioners have submitted representations dated 26.5.2014, to the second respondent and though it was acknowledged, they have not been favoured with any response and hence, came forward to file these writ petitions.

5.The learned Counsel appearing for the petitioners, has drawn the attention of this Court to the order dated 29.9.2010, made in the writ petitions being W.P.Nos.19859 and 19860 of 2010, filed by the other members of the second respondent-Society, wherein, this Court has directed the authorities to consider the similar representation and dispose of the same, and would submit that in spite of such an order, the second respondent did not come forward to register the plots in their favour and therefore, appropriate direction may be issued to the authorities.

6.The Court heard Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who accepted notice for the respondents, also.

7.Though the petitioners have prayed for a larger relief, this Court, in the facts and circumstances, directs the second respondent to consider the representations dated 26.5.2014, submitted by the petitioners, on merits and in accordance with law, after taking into consideration the Gazette Notification bearing No.VI(1)/97/2007 dated 14.2.2007, and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Deputy Registrar

True Copy

Sub Assistant Registrar

To:

1.The Registrar

Cooperative Societies (Housing)

<https://hcservices.ecourts.gov.in/hcservices/>
Housing Department

Government of Tamil Nadu

Nandhanam, Chennai 600 035

2.The Special Officer
The Thyagarayanagar Cooperative
Building Society Ltd
New No.28, Old No.18, Ramanathan
Street
T.Nagar, Chennai 600 017

+1 cc to Mr.L.P.Shanmugasundaram, Advocate,SR.20939

+1 cc to Mr.S.Suresh, Advocate,SR.20794

+1 cc to Government Pleader,SR.21233.

rj(co)
krd 29/4

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