

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.12376 and 12377 of 2015

A.Arunmozhi
R.Madhusoodhan

... Petitioner in W.P.12376/15
... Petitioner in W.P.12377/15

Vs

1. The Registrar of Co-operative Societies (Housing),
2nd Floor,
Housing Board Building,
Nandanam,
Chennai 35.
2. The Deputy Registrar of
Co-operative Societies (Housing),
Salem Region,
East Garden Street,
Fair lands,
Salem 16.
3. S1565 Palace Nagar Co-operative
House Building Society,
Rep. by its Secretary/President,
Palace Towers, Cherry Road,
Salem - 1.

... Respondents
in both the Writ Petitions

PRAYER in W.P.No.12376 of 2015 : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to execute the sale deed in petitioner's favour in respect of flat No.24, Block 'C' East in 2nd Floor having sale area of 1310 sq.ft. Palace Tower, Cherry Road, Salem -1.

PRAYER in W.P.No.12377 of 2015 : Petition filed Under Article 226 of the Constitution of India praying to a issue Writ of Mandamus, to direct the respondents to execute the sale deed in petitioner's favour in respect of flat No.21, Block 'E' in 2nd Floor having sale area of 1063 sq.ft. Palace Tower, Cherry Road, Salem -1.

For Petitioner : Mr.M.S.Palanisamy
(In both the writ petitions)

For Respondents : Mr.L.P.Shanmugha Sundaram
Special Government Pleader
(In both the writ petitions)

O R D E R

Heard Mr.M.S.Palanisamy, learned counsel for the petitioners and Mr.L.P.Shanmugha Sundaram, learned Special Government Pleader accepting the notice in both the writ petitions on behalf of the respondents and with their consent, the Writ Petitions are taken up for final disposal.

2.It is submitted by Mr.M.S.Palanisamy, learned counsel appearing for the petitioners and Mr.L.P.Shanmugha Sundaram learned Special Government Pleader appearing for the respondents that the issue involved in these Writ Petitions is squarely covered by the decision of this Court in W.P.Nos.29301 & 29302 of 2014, etc batch by order dated 07.01.2016. The operative portion of the order reads as follows:

"11. In the light of the above factual scenario, at this stage of the matter, this Court could not be in a position to issue a direction to the respondents to execute the Sale Deed, since as on date, when an order of attachment is in force, without raising the same, it would not be applicable and it would not be legally tenable and therefore the following order would meet the ends of justice.

"The Writ Petitions are disposed of by directing the Registrar of Co-operative Societies (Housing) to take up the matter either by himself or by the Officer of sufficient seniority and jurisdiction to consider a one-time solution for the entire problem, bearing in mind the interest of the petitioners, PACCS, Housing Federation and also the interest of the petitioners, who are all senior citizens aged above 70 years, for which purpose, the 1st respondent has issued notice to the petitioners or their Association, the PACCS, the House Building Society and the Federation to collect the details and work out the value of the property, what are the dues payable and thereafter chart out the plan of action, whereby the petitioners get the benefit of the sale deed,

the PACCS are able to release the deposit amount and the Federation to recover the loan amount."

12. The above direction would be completed within a period of three (3) months from the date of receipt of a copy of this order. If further extension of time is required, it is open to the 1st respondent to approach this Court. It is also open to the 1st respondent to seek any further clarification in the process of executing the order.

No costs. Consequently, connected Miscellaneous Petitions are closed."

Accordingly, these writ petitions stand disposed of on the same lines as in those cases. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Registrar of Co-operative Societies (Housing),
2nd Floor, Housing Board Building,
Nandanam, Chennai 35.
2. The Deputy Registrar of Co-operative Societies (Housing),
Salem Region, East Garden Street,
Fair lands, Salem 16.
3. The Secretary/President,
S1565 Palace Nagar Co-operative
House Building Society,
Palace Towers, Cherry Road,
Salem - 1.

+1cc to Mr.L.P.Shanmugha Sundaram, Advocate, S.R.No.2784
+1cc to Mr.R.Ashraf Khan, Advocate, S.R.No.3509
+1cc to the Government Pleader, S.R.No.3362 & 3363

W.P. Nos.12376 and 12377 of 2015

LRS (CO)
CA(16/02/2016)