

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.34517 to 34521 of 2014

1.K.Govindarajan
2.K.G.Kalamani ... Petitioners in W.P.No.34517 of 2014

1.R.Indira
2.B.Saravanan ... Petitioners in W.P.No.34518 of 2014

S.Venkatasubramanian ... Petitioner in W.P.No.34519 of 2014

G.Reetasherin ... Petitioner in W.P.No.34520 of 2014

Y.Shabana Yacub ... Petitioner in W.P.No.34521 of 2014

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.S-1565 Palace Nagar Co-operative House Building Society,
Rep. by its Secretary/President,
Palace Towers, Cherry Road,
Salem - 1. ... Respondents all W.Ps.

COMMON PRAYER: Petitions filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus, to direct the respondents to execute the sale deeds in favour of the petitioners for flat No.4, Block 'D' ground floor having sale area of 1310 sq.ft. (W.P.No.34517/2014); flat No.42, Block 'C' Ease in 3rd floor having sale area of 1211 sq.ft. (W.P.No.34518/2014); flat No.29, Block 'E' in 3rd floor having sale area of 796 sq.ft. (W.P.No.34519/2014); flat No.26, Block

'D' in 3rd floor having sale area of 969 sq.ft. (W.P.No.34520/2014) and flat No.22, Block 'D' in 3rd floor having sale area of 838 sq.ft. (W.P.No.34521/2014), in Palace Tower, Cherry Road, Salem -1.

For Petitioners : Mr.M.S.Palanisamy
(in all WPs)

For Respondents :Mr.L.P.Shanmugha Sundaram
(in all WPs) Special Govt. Pleader

C O M M O N 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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
S-1565 Palace Nagar Co-operative
House Building Society,
Palace Towers, Cherry Road,
Salem - 1.

+1 cc to Mr.R.Ashraf Khan Advocate sr.19220

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