IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.12912 to 12921 of 2018

R.P.Darrmalingam ... Petitioner in all WPs

Vs.

The Registrar,
Tamil Nadu Co-operative Housing Society,
No.50, Ritherdon Road, Vepery,
Chennai-600 007. ...Ist Respondent in all WPs

The Secretary,
XNC 494 Gandhi Nagar Co-operative
Housing Society Ltd.,
79, Pumping Station Road,
Gandhi Nagar, Adyar,
Chennai-600 020. ...2nd Respondent in W.P.No.12912,
12913 & 12917 of 2018

The Secretary,
X88-Perambur Co-operative Building Society Ltd.,
9, Ist Cross Street,
Jawahar Nagar,
Chennai-600 080. ...2nd Respondent in W.P.No.12914
& 12918 of 2018

The Secretary,
G1382 Chengalpattu Co-Operative Housing Society Ltd.,
34A, Alagesan Salai,
Vedachalam Nagar,
Chengalpattu Taluk,
Kancheepuram District. ...2nd Respondent in W.P.No.12916
& 12919 of 2018

The Secretary,
X391 Simpson & Group Companies Employees
Co-operative Building Society Ltd.,
89, Adithanar Salai,
Pudupettai,
Chennai-600 002. ...2nd Respondent in W.P.No.12915 of 2018

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The Secretary,
XC29, South Chennai Co-Operative Housing Society Ltd.,
23, 9th Street,
Kumaran Colony,
Vadapalani,
Chennai-600 026. ...2nd Respondent in W.P.No.12920 & 12921 of 2018

W.P.No.12912 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the respondents to issue completion certificate to the petitioner in pursuant Agreement for Sale dated 29.06.2000 entered between the petitioner and the second respondent based upon the petitioner's representation dated 03.05.2018 within a time stipulated by this Hon'ble Court and pass further orders.

W.P.No.12913 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 30.03.2001 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

W.P.No.12914 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 18.09.1996 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

W.P.No.12915 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 18.07.2005 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

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W.P.No.12916 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 28.05.2005 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

W.P.No.12917 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 19.07.2002 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

W.P.No.12918 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 05.04.1996 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

W.P.No.12919 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner in pursuant agreement for sale dated 02/05/2004 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

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W.P.No.12920 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner for the Schedule No.1 of the Agreement for sale dated 12.05.2003 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

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W.P.No.12921 of 2018:

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to issue completion certificate to the petitioner for the Schedule No.2 of the Agreement for sale dated 12.05.2003 entered between the petitioner and the 2nd respondent based upon the petitioners representation dated 03.05.2018 within a time stipulated by this Hon'ble court and pass further orders.

For Petitioner : Mr.M.S.Palanisamy
(in all W.Ps.)

For Respondents: Mr.L.P.Shanmuga Sundaram,
(in all W.Ps.) Special Government Pleader
(Co-Operative Housing Society)

C O M M O N O R D E R

The petitioner in these writ petitions is doing real estate business and promoting lands as residential plots. The second respondent approached the petitioner expressing their intention of purchasing the petitioner's lands in various survey numbers. The second respondent did not invest any amount in procuring the said lands, but, diverted the funds received from the prospective buyers and made profits without investing money in the same. In respect of the same, the petitioner submitted various representations to the respondents requesting for the completion certificate. According to the petitioner, after completion, the second respondent is duty bound to issue completion certificate for the work done, which was neglected by the second respondent and on several occasions, the petitioner has personally approached the second respondent and requested to issue completion certificate, but, that request was not heeded and they ignored the said representations. The completion certificate has to be placed before the Income Tax Authority within a time frame, since non-production of the same would amount to penalizing the petitioner. On account of the same, the petitioner was constrained to approach the second respondent by sending his representation once again on 03.05.2018, to issue completion certificate in pursuant to the Agreement for Sale dated 29.06.2000, but the same was not considered till date. Thereafter, the petitioner was informed that the completion certificate shall be produced before the Income Tax Authorities on or before 31.05.2018, failing which, penal action will be initiated against the petitioner by the Income Tax Authority. Since there was no fault on the part of the petitioner and only by the lethargic attitude of the respondent, he is put to

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irreparable loss, the petitioner has approached this Hon'ble Court seeking Writ of Mandamus directing the respondents to issue completion certificate to him in pursuant to the Agreement for Sale on 29.06.2000 entered between him and the second respondent.

2. Heard the learned counsels for the parties.

3. Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing for the respondents would submit that the petitioner and other persons are also claiming such certificate, who have not completed their fulfillment of terms and conditions and not completed their part of work. Hence, a blanket order cannot be issued.

4. In view of the above, this Court directs the respondents to consider the case of the petitioner and scrutinize the papers and if everything is in order, he can be issued with completion certificate. The first respondent is directed to consider the representations dated 03.05.2018 and pass orders within a period of six weeks from the date of receipt of a copy of this order and the second respondent is directed to co-operate with the first respondent in finalizing the issue. No costs.

5. With the above directions, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1.The Registrar,
Tamil Nadu Co-operative Housing Society,
No.50, Ritherdon Road, Vepery,
Chennai-600 007.

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2.The Secretary,
XNC 494 Gandhi Nagar Co-operative
Housing Society Ltd.,
79, Pumping Station Road,
Gandhi Nagar, Adyar,
Chennai-600 020.

+1cc to the Government Pleader (Co-Operative Housing Board)
Sr.34145

+10ccs to M/S.M.S.Palanisamy, Advocate Sr.34021 to 34030

W.P.Nos.12912 to 12921 of 2018

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