

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12922 of 2018

R.P.Darrmalingam

... Petitioner

Vs.

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

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

... Respondents

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 27.06.1998 based upon the petitioner's representation dated 03.05.2018 within a time stipulated by this Hon'ble Court and pass further orders.

For Petitioner : Mr.M.S.Palanisamy

For Respondents : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

सतयमेव जयते
O R D E R

The petitioner in this writ petition is doing real estate business and promoting lands as residential plots by obtaining necessary approval from the concerned authorities. The second respondent has entered into an agreement of sale dated 27.06.1988 with one E.Rajendran and 6 others for purchase of the land comprised in various survey nos. situated at Nallenpetral Village, Thirukalukundram Taluk, Kancheepuram District, wherein it was mutually agreed that the 2nd respondent shall pay a sum of Rs.3,40,000/- per acre to develop and promote the layout. As per the terms of the said agreement, the said lands were developed and the same was approved by the competent authority. Pursuant to the said 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 representation. 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 27.06.1998, 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 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 27.06.1998 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 has not completed their fulfillment, conditions and they have 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 same 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.

-s/d-

Deputy Registrar

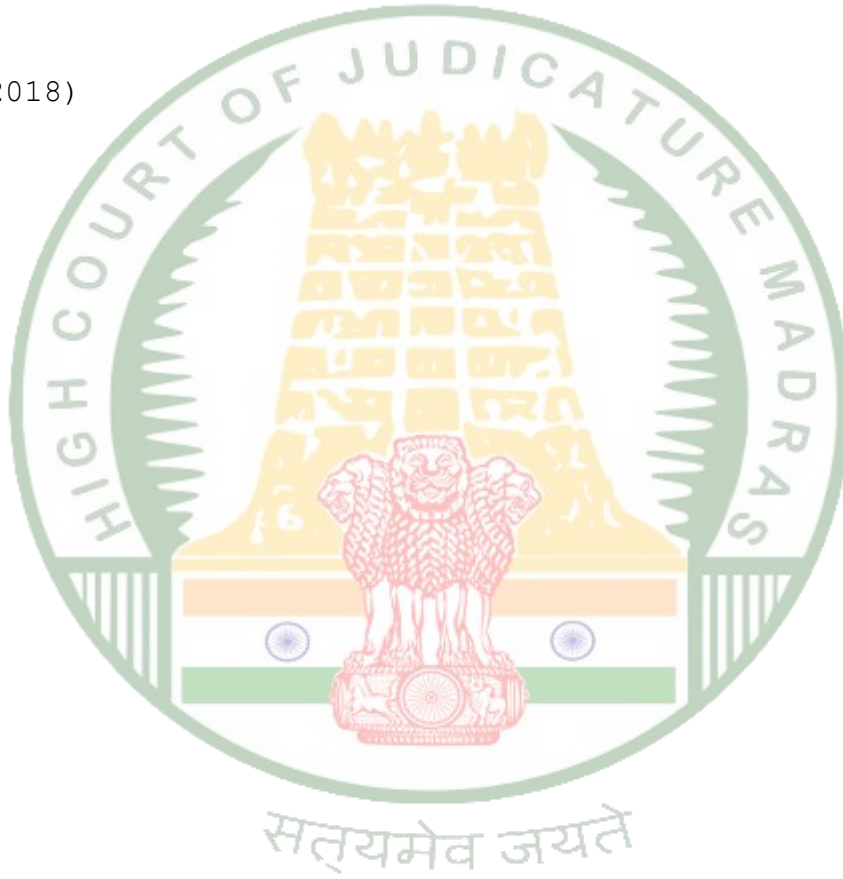
True Copy

Sub-Assistant Registrar

+1 CC to Mr.M.S. Palanisamy, Advocate sr 34031.
+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 34182.
+1 CC to Govt. Pleader sr 34148.

W.P.No.12922 of 2018

NA (CO)
SP (31/05/2018)



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