IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.Nos.12944 and 12945 of 2018

W.P.No.12944 of 2018

V.Shanmugam ... 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

Prayer: 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 23.03.2000 entered between the petitioner and the second respondent based upon the petitioner's representation dated 15.05.2018 within a time stipulated by this Hon'ble Court and pass further orders.

W.P.No.12945 of 2018

V.Shanmugam ... Petitioner

Vs.

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

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2.The Secretary,
G831 Mambalam Kasi Viswanathar
Co-operative Housing Society Ltd.,
184, Lake View Road,
West Mambalam, Chennai-600 033. ... Respondents

Prayer: 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 Agreements for Sale dated 24.08.1999 and 20.04.2000 entered between the petitioner and the second respondent based upon the petitioner's representation dated 15.05.2018 within a time stipulated by this Hon'ble Court and pass further orders.

For Petitioner : Mr.M.S.Palanisamy
in both W.Ps.

For Respondents : Mr.L.P.Shanmuga Sundaram,
(in both W.Ps.) Special Government Pleader

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 representation. The completion certificate has to be placed by 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 15.05.2018, to issue completion certificate in pursuant to the Agreement for Sale dated 23.03.2000, 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

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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 23.03.2000 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, 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 representation dated 15.05.2018 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.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VIII)

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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.

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

+2cc to M.S.Palanisamy, Advocate Sr.34034 and 34035
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.34183
+1cc to the Government Pleader sr.34146

W.P.Nos.12944 and 12945 of 2018

mr[co]
srg 01/06/2018

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