

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2898 of 2018

K.Mahadevan

... Petitioner

Vs

1.The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Complex,
Nanthanam, Anna Salai,
Chennai - 600 035.

2.The Regional Deputy Registrar (Housing)
O/o.The Regional Deputy Registrar (Housing)
No.13/107, Ramalinga Adikalar Trust Campus,
Daniel Thomas Nagar,
Thanjavur - 613 007.

3.The President,
Z127, The Kumbakonam Town Co-operative
House Building Society Limited,
78, Pakthapuri Street,
Kumbakonam - 612 007.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 29.1.2018, wherein, the petitioner had requested the respondents to execute the sale deed pertaining to Plot No.52, in Dr.M.G.R.Nagar, Muganthanur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District in favour of this petitioner.

For Petitioner : Mr.M.Aravind Subramaniam
For R1 and R2 : Mr.L.P.Shanmugasundaram, SGP
For R3 : Mr.R.Esakki Raja

ORDER

This Writ Petition has been filed to issue a mandamus, directing the respondents to consider the petitioner's representation dated 29.01.2018 and to execute the Sale deed by the third respondent pertaining to Plot No.53 in Dr.M.G.R., Nagar, Muganthanur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District in favour of the petitioner.

2. Upon notice, the third respondent filed a detailed counter affidavit on 10.09.2018, stating that the petitioner is one among the members, who were allotted house sites in the said lay out and he had paid the entire sale consideration. It is specifically averred therein that the third respondent is now, ready to register the site to the petitioner, but is awaiting for necessary permission from the respondents 1 and 2.

3. Today, when the matter is taken up for consideration, the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent jointly submitted that the issue involved herein already came up for consideration in WP(MD) No.6593 of 2018 and this Court, vide order dated 03.04.2018, disposed of the said writ petition, the relevant portion of which is extracted hereunder:

"3. Earlier this Court ordered notice to the respondents. Today, on instructions from the third respondent, the learned Special Government Pleader submitted that the petitioner has already paid the sale consideration to the third respondent and thereafter, a proposal was sent to the first respondent for getting concurrence to execute sale deed in favour of the petitioner. Once the concurrence is received from the first respondent, the third respondent will execute the sale deed in favour of the petitioner.

4. In view of the submission made by the learned Special Government Pleader for the respondents, the first respondent is directed to consider the proposal sent by the third respondent and pass suitable orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and after receiving the concurrence from the first respondent, the third respondent is directed to execute the sale deed in favour of the petitioner, subject to the petitioner having paid the entire sale consideration."

Therefore, they prayed for a similar order in this writ petition as well.

4. Following the aforesaid order, the present writ petition stands disposed of, with a direction to the first respondent to consider the proposal sent by the third respondent and pass suitable orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and after receiving the concurrence from the first respondent, the third respondent is directed to execute the sale

deed in favour of the petitioner, subject to the petitioner having paid the entire sale consideration. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Complex,
Nanthanam, Anna Salai,
Chennai - 600 035.

2.The Regional Deputy Registrar (Housing)
O/o.The Regional Deputy Registrar (Housing)
No.13/107, Ramalinga Adikalar Trust Campus,
Daniel Thomas Nagar,
Thanjavur - 613 007.

+1cc to Mr.M.Aravind Subramaniam, Advocate sr.no.62808

+1cc to Government Pleader sr.no.62952

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