

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.12783 of 2004
W.P.M.P.No.14890 of 2004

Krishnamoorthy .. Petitioner

Vs.

1. The Krishnagiri Public Servants
Co-operative Housing Society Ltd.,
Krishnagiri, Krishnagiri District.

2. The Registrar Sub-Registrar Office
Krishnagiri

3. K.Thangavelu ... Respondents

Prayer: This Writ petition has been filed under Article 226 of Constitution of India, seeking a Writ of Mandamus to direct the 2nd respondent to cancel the sale deed dated 09.04.1997 and direct the 1st respondent to execute the sale deed in favour of the petitioner in respect of the property bearing plot No.48, Kattinayanapalli, Boganapalli Village, Krishnagiri Taluk.

For petitioner : Mr.V.Raghavachari

For R & R1 : Mr.C.Nambiraj
Government Advocate

For R3 : Mr.S.Haroos AC-Rasheed
for M/s.T.S.Gopalan

सत्यमेव जयते
O R D E R

The relief sought for in this writ petition by the petitioner is to direct the 2nd respondent to cancel the sale deed dated 09.04.1997 and to direct the 1st respondent to execute the sale deed in favour of the petitioner in respect of the property bearing plot No.48, Kattinayanapalli, Boganapalli Village, Krishnagiri Taluk.

2. It is the case of the petitioner that plot No.48 was allotted to the petitioner on 21.01.1973 and in the year 2002, the first respondent was directed to take action for the allotment and registration of the Sale Deed. But no action was taken. Even though the petitioner has given series of

representations to the respondent, no action was taken. Therefore, the petitioner has given a representation, on 28.04.2003 to the Special officer of the first respondent / society. Since no action is taken to register the sale Deed, the petitioner has approached this Court with the prayer sought for in this writ petition to cancel the Sale Deed executed by the second respondent in favour of the third respondent.

3. Admittedly the allotment was alleged to be made by the petitioner in the year 1973 and the award was passed in the year 2002, and a direction was given to the second respondent to take action regarding the registration of the Sale Deed in favour of the petitioner, but no action was taken.

4. Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

The Respondents are directed to consider the petitioner's representations dated 18.02.2001, 30.05.2001 and 09.02.2004 and after giving personal opportunity to the petitioner, pass appropriate orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ petition is disposed of. consequently, connected Miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

vum

To

1. The Krishnagiri Public Servants
Co-operative Housing Society Ltd.,
Krishnagiri, Krishnagiri District.
2. The Registrar Sub-Registrar Office
Krishnagiri

+1cc to Mr.T.S.Gopalan & CO, Advocate SR.No.51078

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GN(21/08/2018)