



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) Nos. 8451 to 8455 of 2019

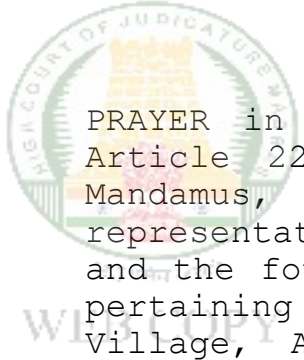
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J.Ganesh Kumar	... Petitioner	in W.P. (MD) No. 8451 of 2019
R.Rajesh	... Petitioner	in W.P. (MD) No. 8452 of 2019
V.Arulmurugan	... Petitioner	in W.P. (MD) No. 8453 of 2019
K.Dhanalakshmi	... Petitioner	in W.P. (MD) No. 8454 of 2019
S.Kavitha	... Petitioner	in W.P. (MD) No. 8455 of 2019

Vs.

1. The Registrar of Co-operative Societies (Housing),
Office of the Tamil Nadu Co-operative Housing Federation,
No.40, Ritherdon Salai, Veppery,
Chennai - 600 007.
 2. The Regional Deputy Registrar(Housing),
O/o.The Regional Deputy Registrar(Housing),
No.13/107, Ramalinga Adigalar Arakkattalai Building,
Daniel Thomas Nagar,
Thanjavur - 613 007.
 3. The President,
The Kumbakonam Town Co-operative
House Building Society Ltd., Z-127,
No.78, Bakthapuri Street,
Kumbakonam - 612 007.
 4. No.1 Joint Sub Registrar,
Kumbakonam District Registrar Office,
Katchery Road,
Kumbakonam - 612 001.
- ... Respondents
in all petitions

PRAYER in W.P.(MD)No.8451 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.02.2019 and to direct the third respondent and the fourth respondent to execute and register the sale deed by pertaining to the Plot No.29, in Dr.M.G.R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.



PRAYER in W.P.(MD)No.8452 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.02.2019 and to direct the third respondent and the fourth respondent to execute and register the sale deed by pertaining to the Plot No.17, in Dr.M.G.R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.

PRAYER in W.P.(MD)No.8453 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.02.2019 and to direct the third respondent and the fourth respondent to execute and register the sale deed by pertaining to the Plot No.38, in Dr.M.G.R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.

PRAYER in W.P.(MD)No.8454 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.02.2019 and to direct the third respondent and the fourth respondent to execute and register the sale deed by pertaining to the Plot No.46, in Dr.M.G.R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.

PRAYER in W.P.(MD)No.8455 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.02.2019 and to direct the third respondent and the fourth respondent to execute and register the sale deed by pertaining to the Plot No.7, in Dr.M.G.R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.

(in all W.Ps.)

For Petitioner : Mr.M.Aravind Subramaniam

For Respondents : Mr.M.Murugan,
Government Advocate.

C O M M O N O R D E R

Heard the learned counsel on either side.

2. By consent, the Writ petitions are taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The petitioners herein are members of the third respondent



co-operative society. The society had promoted a lay out and the petitioners applied for allotment of plots. The petitioners were also issued allotment orders. They had also fully paid the sale consideration fixed by the third respondent. However, the third respondent is yet to execute the sale deeds conveying the allotted plots in favour of the Writ petitioners. But the third respondent is facing an impediment. The first respondent is yet to give approval for the execution of the sale deeds in favour of the Writ petitioners herein.

4. It is seen that the Writ petitioners are waiting for several years. It is further seen that the third respondent has sent a proposal to the first respondent through the second respondent. Since it is not in dispute that the entire sale consideration has been paid, the third respondent is bound to execute the sale deed.

5. It is further seen that the case of the Writ petitioners is not something unique. In similar cases, the first respondent had already granted approval and the third respondent has also executed the sale deeds in favour of the allottees. Therefore, the petitioners cannot be treated on a different footing. Therefore, I direct the first respondent to consider the proposal submitted by the third respondent seeking approval to execute sale deeds for the petition mentioned plots in favour of the respective Writ petitioners. The first respondent shall issue appropriate proceedings in this regard within a period of four weeks from the date of receipt of a copy of this order. After the first respondent grants the approval sought for, the third respondent shall execute the sale deeds in favour of the Writ petitioners herein, forthwith and without any delay.

6. These Writ petitions stand disposed of, accordingly. No costs.

Sd/-

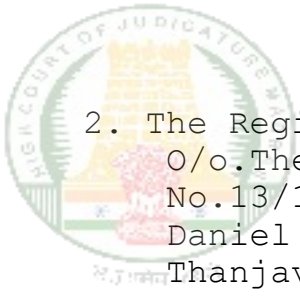
Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS I)

To

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4. No.1 Joint Sub Registrar,
Kumbakonam District Registrar Office,
Katchery Road,
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+5 CC to M/s.M.ARAVIND SUBRAMANIAM, Advocate (SR-61161 to 61165)

W.P.(MD)Nos.8451 to 8455 of 2019
15.04.2019

DS/ /SAR- (24.04.2019) 4 P 10C