



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WP (MD) No. 3034 of 2019

WEB COPY

E. Vijayalakshmi

... Petitioner

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

Prayer: Writ Petition is 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 30.01.2019 and to direct the third respondent and fourth respondent to execute and register the sale deed by pertaining to the Plot No. 40 in Dr. M. G. R. Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District in favour of this petitioner.

For Petitioner : Mr. Sriprada Prabhakar
for Mr. M. Aravind Subramaniam

For Respondents : Mr. Karuppasamy,
Government Advocate for R1 & R2

Mr. M. Murugan, Government Advocate
for R4

**ORDER**

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal.

2.The writ petitioner is a member of the third respondent society. The society had promoted a lay out and the petitioner applied for allotment of a plot. The third respondent issued an allotment letter dated 31.10.2011 allotting Plot No.40 in favour of the writ petitioner. The sale consideration was fixed at Rs.2,04,700/-. The petitioner has specifically stated in his affidavit that he has paid the entire sale consideration. Now, what remains is the execution of sale deed by the third respondent in favour of the petitioner conveying the said plot. But then, the third respondent cannot execute the sale deed unless the first respondent gives approval for the same. Since the matter is being dragged on, the writ petitioner has filed this writ petition.

3.When the matter was taken up for hearing, the learned counsel appearing for the third respondent informs the court that the third respondent had written a letter dated 22.02.2019 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.

4.The learned counsel for the writ petitioner as well as the third respondent state that in similar cases such approvals have already been granted and sale deeds have been executed in favour of the allottees. This Court therefore directs the first respondent to consider the proposal dated 22.02.2019 submitted by the third respondent seeking approval to execute the sale deed for the petition mentioned plot in favour of the writ petitioner. 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. If the first respondent grants approval as sought for, the third respondent shall execute the sale deed in favour of the writ petitioner forthwith and without any delay.

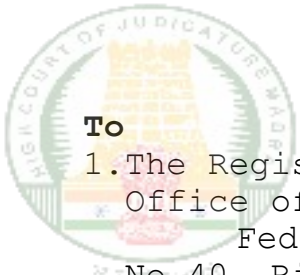
5.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

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O/o. The Regional Deputy Registrar (Housing),
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Building, Daniel Thomas Nagar,
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3.No.1, Joint Sub Registrar,
Kumbakonam District Registrar Office,
Katchery Road,
Kumbakonam - 612 001.

+1cc to Mr.V.Angusamy, Advocate, SR.No. 51537

+1cc to M/s.Special Government Pleader,SR.No. 51522

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SKM

KK/SAR/09.04.2019/ 3P- 6C