



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.18099 of 2019

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S.Hajitha Banu : Petitioner
Vs.

1.The Registrar of Co-operative Societies (Housing),
Office of 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 Arakkatalai 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 praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.07.2019, and to direct the third respondent and fourth respondent to execute and register the sale deed by pertaining to the Plot No.20, in Dr.M.G.R.Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner.

For Petitioner : Ms.Sriprada Prabhakar,
Mr.M.Aravind Subramaniam
For Respondents 1&2 : Mr.M.Rajarajan,
Government Advocate
For Respondent No.3 : Mr.V.Angusamy



ORDER

Heard the learned counsel on either side.

2. The petitioner is the member of the third respondent Society. The Society had promoted a lay out and the petitioner applied for allotment of plot. The third respondent had allotted Plot No.20 in favour of the petitioner herein. The petitioner specifically submitted that she has paid the entire sale consideration as fixed by the Society and that what remains is the execution of sale deed alone. It is further stated that in similar cases, the first respondent has already granted approval and sale deeds have also been executed in favour of the allottees.

3. The third respondent also vouches the statement that the petitioner has already paid the entire amount.

4. As per the proviso to Rule 78(3) of the Tamil Nadu Co-operative Societies Rules, 1988, for disposing of the immovable property, the Co-operative Society does not require any sanction of the general body and the Registrar. Once the sale consideration is received by the Society, it is the duty of the Society to execute the sale deed.

5. Therefore, a direction is issued to the third and fourth respondents to execute and register the sale deed pertaining to Plot No.20, in Dr.M.G.R.Nagar, Muganthanallur Village, Annal Agraharam Panchayat, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Registrar of Co-operative Societies (Housing),
Office of Tamil Nadu Co-operative Housing Federation,
No.40, Ritherdon Salai, Veppery,
Chennai-600 007.

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



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

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+1 cc to Mr.M.Aravind , Advocate SR.No.87694

+1 cc to The Special Government Pleader Sr.No.87912

Order made in
W.P. (MD)No.18099 of 2019
Dated: **18.09.2019**

KM/ (26.09.2019) 3P 5C