



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.09.2019**

CORAM:

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

W.P. (MD)No.19980 of 2019

WEB COPY

G.Senthil Kumar : 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 Arakkatalai Building,
Daniel Thomas Nagar,
Thanjavur - 613 007.

3.The Kumbakonam Town Co-operative
House Building Society Ltd., Z-127,
Rep. by its President,
No.78, Bakthapuri Street,
Kumbakonam - 612 007.

: 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 22.08.2019, and thereby, direct the third respondent to execute the sale deed pertaining to the Plot No.31 measuring an extent of 2625 Sq.ft. situated at Annal Agaram Village, Mugunthanallur, Kumbakonam Taluk, Thanjavur District, in favour of the petitioner, within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithvi Raj
For Mr.D.Sadiq Raja

For Respondents 1&2 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

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.31 in favour of the petitioner herein. The petitioner specifically submitted that he 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. 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.

4. Therefore, a direction is issued to the third respondent to execute the sale deed pertaining to Plot No.31, measuring an extent of 2625 Square feet, situated at Annal Agaram Village, Mugunthanallur, 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.

5. 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),
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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.

+1 CC to M/s.GP (SR-89794[F] dated 26/09/2019)

+1 CC to M/s.D.SADIQ RAJ, Advocate (SR-90140[F] dated 27/09/2019)

Order made in

W.P. (MD)No.19980 of 2019

Dated: 25.09.2019

SML

ES/01.10.2019/2P/5C

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