



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8915 of 2020

WEB COPY

D.Samuel Ponnaiyah

... Petitioner

Vs.

The Secretary

Tiruchirappalli Co-operative House Construction Society Ltd.,

R.No.786, No.33, Colony Main Road,

Thillainagar,

Tiruchirappalli-620018.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 23.07.2020 for the early release of conveyance deed in favour of the original allottee/SP.PL.Palaniyappa Chettiyar within a specified time framed as may be fixed by this Court.

For Petitioner : Mr.Shangar Murali

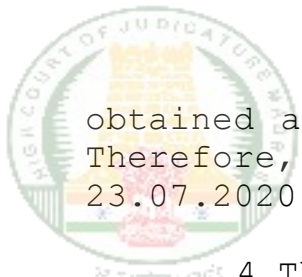
For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent Society.

2.The property that is the subject matter of this writ petition was originally allotted by the respondent society in favour of one Palaniyappa Chettiyar way back on 05.10.1963. Palaniyappa Chettiyar was a member of the Society. He had cleared all the dues payable to the respondent. Following his demise, his share devolved in favour of his son Subramaniyam Chettiyar on 26.10.1966. Subramaniyam Chettiyar executed a sale deed dated 13.04.1970 in favour of Bakkiyathammal who is none other than the mother of the petitioner. The petitioner's mother executed a settlement deed in favour of the petitioner on 26.10.2009.

3.The petitioner states that he is in possession of the property and is also paying the property tax. But, he has now come to know that the petitioner's predecessor-in-title had not



obtained any sale deed in his favour from the respondent Society. Therefore, the petitioner had given a representation dated 23.07.2020 for issuance of such a conveyance deed.

4.The learned Additional Government Pleader appearing for the respondent states that if the legal heir of the original allottee approaches the respondent with all the relevant documents, they would definitely consider the case.

5.I may have to clarify the position here. Since Palaniyappa Chettiyar as well as Subramaniam Chettiyar are no more, the question of their legal heirs approaching the respondent cannot really arise. Since the petitioner had stepped into their shoes, the respondent will have to consider the petitioner as the successor-in-interest. Therefore, instead of insisting on legal heirs, the respondent should verify, if the petitioner is really the successor- in-interest.

6.The petitioner's counsel states that the transactions have taken place only through registered documents.

7.It is open to the respondent to carefully verify the documents and if it is seen that, the petitioner is the successor-in-interest in the place of the original allottee SP.PL.Palaniyappa Chettiyar, then, the request of the petitioner deserves to be granted. The respondent will conclude the entire exercise and take a decision on the petitioner's representation within a period of six weeks from the date of receipt of a copy of this order.

8.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Rmi

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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



To
The Secretary
Tiruchirappalli Co-operative House Construction Society Ltd.,
R.No.786, No.33, Colony Main Road,
Thillainagar,
Tiruchirappalli-620018.

+1 CC to Mr.SHANKAR MURALI, Advocate (SR-15887[F] dated
03/09/2020)

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