



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HON'BLE Mr. JUSTICE N.ANAND VENKATESH

W.P.No. 2087 of 2021

L.Sathiyarayanan

..Petitioner

Vs

1. The Registrar of Co-operative Societies (Housing)
O/o. Co-operative Societies (Housing)
Second Floor, 48, Retherdon Salai,
Vepery, Chennai -7.

2.The President,
Peramabur Co-operative Society (Housing),
New No.22, Old No. 10/11, Circular Road,
Chennai -82.

3.The Secretary,
Peramabur Co-operative Society (Housing),
New No.22, Old No. 10/11, Circular Road,
Chennai -82.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, directing the 2nd and 3rd respondents herein to register the sale deed in respect of the property situated at Plot No.240 in S.No.433 Madhavaram village Ambattur Taluk Thiruvallur District measuring 2800 sq.feet vacant land to the respondent in pursuance of the order passed by the 1st respondent in Na.Ka.No.5485/2020/E1 dated 17.12.2020 within the time frame.

For Petitioner : Mr. R.T. Shyamala

For Respondents : Mr. A.Selvendran, GA - R1
Mr.L.P.Shanmugasundaram - R2 & R3

ORDER

The writ petition has been filed before this Court seeking for a direction to the 2nd & 3rd respondents to execute and register sale deed in favour of the petitioner with respect to the subject property.



2. The case of the petitioner is that the 2nd respondent through proceedings dated 12.09.1997 made an allotment infavour of the petitioner and as per allotment order, the member of the society who pays the entire cost of the plot will be entitled for execution of a sale deed in his or her favour after two years from the date of his/her membership with the Society.

3. The further case of the petitioner is that a total sum of Rs.3,04,690/- was fixed towards the cost of the plot and the entire amount was paid by the petitioner as early as in August 1997.

4. It is stated that even after the entire amount was paid by the petitioner, the petitioner has been making various representations and ultimately the 1st respondent through a letter dated 17.12.2020 directed the 3rd respondent to execute sale deed in favour of the petitioner, if the petitioner has already paid the entire cost of the plot. Inspite of the directions issued by the 1st respondent, the sale deed was not executed in favour of the petitioner and left no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Mr.L.P.Shanmugasundaram, learned Standing Counsel appearing for the 2nd & 3rd respondents submitted that the 3rd respondent had sought for details from the concerned Sub Registrar office regarding guideline value of the property and was awaiting intimation and immediately after receiving the same, steps will be taken to execute the sale deed in favour of the petitioner.

6. In the considered view of this Court, there is no dispute with regard to the fact that the petitioner is a member of the 3rd respondent-Society and an allotment order was made in favour of the petitioner on 12.09.1997 and the petitioner has also paid the entire cost of the plot in the year 1997 itself. Thereafter, the petitioner has been making various representations requesting for execution of sale deed in his favour. Even the letter of the 1st respondent in the year 2020 did not evoke any response from the 3rd respondent. Now the 3rd respondent has come up with a stand that the sale deed will be executed in favour of the petitioner and the 3rd respondent is awaiting details regarding guideline value of the subject property from the concerned Sub Registrar Office.

7. The learned counsel for the petitioner submitted that the petitioner is willing to pay the stamp duty based on the guideline value and therefore that should not be a reason for any further postponement of the execution of sale deed in favour



of the petitioner.

8. In view of the specific stand taken on either side, there shall be a direction to the 3rd respondent to execute a sale deed in favour of the petitioner and present it for registration before the concerned Sub Registrar Office within a period of one week from the date of receipt of a copy of this order. The petitioner shall make arrangements for the payment of the stamp duty based on the guideline value. The concerned Sub Registrar shall register the document and the same shall be released to the petitioner thereafter.

9. This writ petition is disposed of with the above directions. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Co-operative Societies (Housing)
O/o. Co-operative Societies (Housing)
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2. The President,
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3. The Secretary,
Peramabur Co-operative Society (Housing),
New No.22, Old No. 10/11, Circular Road,
Chennai -82.

Copy to: The Sub Registrar,
Registration Department,
Sembium.

+1cc to M/s.R.T.Shyamala, Advocate, S.R.No.39925
+1cc to the Government Pleader, S.R.No.39757

W.P.No. 2087 of 2021

PCH (CO)
CB(24/08/2021)