



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD)No.399 of 2021
C.M.P.(MD) No.1459 of 2021

A-1321, Karaikudi Co-operative Housing Building Society,
Rep. by its President,
Karaikudi, Sivagangai District. ... Appellant/3rd Respondent

Vs.

1.K.R.Selvaraj ... 1st Respondent/Petitioner

2.The Registrar of Co-operative Societies (Housing),
48, Rithatran Road,
Veppari, Chennai - 600 007.

3.The Regional Deputy Registrar (Housing),
Virudhunagar Region,
Virudhunagar District.

... Respondents 2 &3/
Respondents 1 & 2

4.D.Victor Sebastik Baskaran

... 4th Respondent/
4th Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act against the order passed by this Court in W.P.(MD)No.16308 of 2019, dated 10.09.2020.

Prayer in WP(MD). 16308/ 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court calling for the records pertaining to the impugned order passed by the 1st Respondent in Na.Ka.No.5126/2015/Aa1 dated 29-07-2015 and quash the same.

For Appellant : Mr.Meenakshi Sundaram
for M/s.K.Vairamuthu
For Respondents 2 & 3 : Mr.C.Ramesh
Special Government Pleader
For 4th Respondent : Mr.M.Vijarathinam
* * * * *

J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

This appeal has been preferred by the appellant, challenging the order of the learned Single Judge on the premise that G.O.Ms.No.224, Housing and Urban Development Department, dated



27.11.2009, would cover the stage of those cases, where allotments have been made prior to that, with the entire sale consideration having been paid, while awaiting the execution of the sale deed.

2.Learned Single Judge has rightly held that the said Government Order is only prospective and therefore, in cases, where the allotment has already been made and consideration has been received, the said Government Order cannot be applied. Thus, we do not find any reason to interfere with the order of the learned Single Judge. Mere execution of the sale deed, subsequent to the contract concluded between the parties, would not create new right that is sought to be imposed by virtue of the Government Order in terms of the agreement entered between the *inter se* parties. We also took note of the fact that the appellant has not filed the Writ Petition, but only a member of the Society has filed the Writ Petition and he has not made any challenge to the order of the learned Single Judge.

3.In such view of the matter, the Writ Appeal stands dismissed. Consequently, connected C.M.P.(MD) No.1459 of 2021 is also dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SJ

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.

To

1.The Registrar of Co-operative Societies (Housing),
48, Rithatran Road,
Veppari, Chennai - 600 007.

2.The Regional Deputy Registrar (Housing),
Virudhunagar Region, Virudhunagar District.

Order made in
W.A. (MD)No.399 of 2021 in
C.M.P. (MD) No.1459 of 2021
09.03.2021

PK (CO)

SRS (17/03/2021) 2P : 3C

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