



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.12400 of 2022

Banumathi Gopalakrishnan
D/o.Late N.Nagarajan

... Petitioner

Vs.

1. The Registrar,
Office of the Registrar of Co-operative
Societies (Housing)
No.48, Ritherden Road,
Vepery, Chennai-600 007.
2. The President,
Periyar Nagar Government Servants
Co-operative House Site Distribution
Society Limited,
No.29, Karthikeyan Salai,
Periyar Nagar, Chennai-600 082.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to execute the Deed of Conveyance or Deed of Sale to and in favour of 1.Banumathi Gopalakrishnan, 2. Preetha, 3.Susmitha and 4. P.V.Ramadoss pertaining to the property premises bearing Plot No.465-C, Chandrasekaran Salai (Meenakshipuram), Periyar Nagar, Chennai-600 082 comprised in Survey No.382/1, Peravallur Village at present Ayanavaram Taluk, Chennai District, measuring to an extent of 1 Ground and 650 sq.ft.

For Petitioner : Mr.N.Sathyamoorthy

For Respondents:

For R1 : Mr.M.Shahjahan,
Special Government Pleader

For R2 : Mr.C.Kathiravan,
Special Government Pleader



ORDER

This Writ petition is being filed for issuance of a writ of mandamus directing the respondents to execute the Deed of Conveyance or Deed of Sale to and in favour of 1. Banumathi Gopalakrishnan, 2. Preetha, 3. Susmitha and 4. P.V. Ramadoss pertaining to the property premises bearing Plot No. 465-C, Chandrasekaran Salai (Meenakshipuram), Periyar Nagar, Chennai-600 082 comprised in Survey No. 382/1, Peravallur Village at present Ayanavaram Taluk, Chennai District, measuring to an extent of 1 Ground and 650 sq.ft.

2. According to the petitioner, the petitioner's father viz., N. Nagarajan was allotted a plot bearing No. 465-C, measuring to an extent of 1 Ground and 650 sq.ft., Chandrasekaran Salai (Meenakshipuram), Periyar Nagar, Chennai-600 082 comprised in Survey No. 382/1, Peravallur Village, at present Ayanavaram by the 2nd respondent/ Cooperative Society by a lease cum sale agreement dated 29.07.1974. On 21.01.1992, her father N. Nagarajan died intestate on 21.1.1992. As one of the legal heirs of her deceased father disappeared, she filed a suit for declaration in O.S.No. 6135 of 2015 before the VII Asst. City Civil Court, Chennai on the strength of section 107 and 108 of Evidence Act, 1872 and the said suit was decreed on 28.06.2016 declaring that the petitioner along with one Preetha, Sushmitha and P.V. Ramadoss as the surviving legal heirs of their deceased father. Mentioning the above facts, the petitioner approached the second respondent society requesting to execute the sale deed in respect of the above mentioned property in favour of them, but without any basis, the 2nd respondent has been prolonging the issue. Hence, the petitioner has sent a representation on 09.02.2022 to the respondents for execution of sale deed in respect of the above said property in favour of surviving legal heirs of her deceased father. However, the respondents, in spite of receipt of such representation, did not act on the same. Therefore, left with no other alternative, the petitioner has filed the writ petition.

3. It is seen that pursuant to the Judgment and Decree passed by the trial Court in O.S.No. 6135 of 2015 which came to be decreed on 28.06.2016 declaring the petitioner along with three others as the surviving legal heirs of the original allottee of the land Thiru. N. Nagarajan, the petitioner gave a representation on 09.02.2022, but the same was kept pending and no orders have been passed.

4. The learned counsel appearing for the official



respondent as well as the second respondent submits that appropriate orders will be passed by the second respondent on the representation dated 09.02.2022 of the petitioner within a period of four weeks from the date of receipt of a copy of this order.

5. Recording the same, this writ petition stands disposed of by directing the second respondent to pass appropriate orders on the aforesaid representation of the petitioner dated 09.02.2022 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Registrar,
Office of the Registrar of Co-operative
Societies (Housing)
No.48, Ritherden Road,
Vepery, Chennai-600 007.
2. The President,
Periyar Nagar Government Servants
Co-operative House Site Distribution
Society Limited,
No.29, Karthikeyan Salai,
Periyar Nagar, Chennai-600 082.

+2ccs to Mr.N.Sathyamoorthy, Advocate, S.R.No.32307

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.32988

+1cc to the Government Pleader, S.R.No.33112

W.P.No.12400 of 2022

MT (CO)
UMA (15/06/2022)