



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.33074 of 2018
and W.M.P.No.38345 of 2018

1.P.Kamala (died)
2.Gomathi
3.Saravanan

...Petitioners

(P2 & P3 Substituted as LRs of
deceased Sole Petitioner vide
order dated 09.03.2022 made in
W.M.P.No.5226/2022 in
W.P.No.33074 of 2018 by VMVJ)

Vs

1.The Tamilnadu Handloom Weavers'
Co-operative Society Ltd.,
Rep. by its General Manager,
"Balasundaram Building".
No.350, Pantheon Road, Egmore,
Chennai - 600 008.

2.The Director,
Handloom & Textiles,
"Kuralagam" 2nd Floor,
Chennai - 600 108.

3.Assistant Director of Handloom & Textiles,
North Car Street,
Near National Insurance Company Ltd.,
Tiruchengode.

4.S.No.1108, Suriampalayam Handloom Weaver's
Co-operative Production & Sale Society Ltd.,
Represented by its President,
Suriampalayam Post,
Tiruchengode Taluk.

5.The Sub Registrar,
Tiruchengode Sub Registrar Office,
Tiruchengode.

... Respondents



Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the condition "This property is sold for after 10 years" imposed in the petitioner's Deed of Conveyance executed by the 4th respondent dated 06.06.2014 registered as Document No.3547 of 2014 on the file of the Sub-Registrar, Tiruchengode, quash the same.

For Petitioner : Mr.T.L.Thirumalaisamy

For R1 : Mr.K.Rangesh
for M/s.Jayaram & Associates

For R2 & R3 : Mr.U.Baranidharan
Additional Government Pleader

For R4 : Mr.L.P.Shanmugasundaram

For R5 : No Appearance

ORDER

This Writ Petition is filed challenging the condition "This property is sold for after 10 years" imposed in the petitioner's Deed of Conveyance executed by the 4th respondent dated 06.06.2014 registered as Document No.3547 of 2014 on the file of the Sub-Registrar, Tiruchengode, and quash the same.

2.According to the petitioners, the 1st petitioner was allotted Plot No.72 by the 4th respondent Society. On payment of entire sale consideration, the conveyance deed dated 06.06.2014, was executed and registered before the 5th respondent in Document No.3547 of 2014. In the said conveyance deed, the 4th respondent inserted by handwriting "This property is sold for after 10 years". According to the 1st petitioner, no such condition was imposed on others except for the 1st petitioner and few others. The 1st petitioner is illiterate and aged person. Due to her old age, she wanted to settle the property in favour of her children and has come out with the present Writ Petition, seeking to quash the said condition.

3.Pending Writ Petition, the 1st petitioner died. The petitioners 2 and 3, who are daughter and son of the 1st petitioner, filed W.M.P.No.5226 of 2022 to substitute them as legal heirs of the 1st petitioner. This Court by order dated 09.03.2022 ordered W.M.P.No.5226 of 2022 and the petitioners 2 and 3 were substituted as legal heirs of the 1st petitioner.



4. When the matter is taken up for hearing, Mr. U. Baranidharan, learned Additional Government Pleader appearing for the respondents 2 and 3, on instructions, submitted that the 3rd respondent by proceedings dated 25.03.2022 relaxed the condition imposed in the conveyance deed dated 06.06.2014 on the ground that the plot was allotted before 26 years and the 1st petitioner is residing there by constructing the house.

5. The learned counsel appearing for the petitioners produced circular dated 06.12.2012 issued by the 2nd respondent. As per the said circular, when the person to whom the property allotted died, the same can be transferred to the legal heirs.

6. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the respondents 2 and 3 and the learned counsel appearing for the 4th respondent and perused the entire materials on record.

7. Though notice has been served on the 5th respondent and his name is printed in the cause list, there is no representation on behalf of the 5th respondent either in person or through counsel.

8. Considering Clause No. II (6) of the circular issued by the 2nd respondent, the petitioners 2 and 3 are directed to submit within a period of two (2) weeks from the date of receipt of a copy of this order, the documents as mentioned in the Clause No. II (6) of the circular dated 06.12.2012 to the 2nd respondent, who shall after verifying the documents, transfer the ownership of the property in the names of the legal heirs of the 1st petitioner within a period of two (2) weeks thereafter. The petitioners 2 and 3 are directed to give a representation to the 4th respondent enclosing the copy of the order issued by the 3rd respondent within a period of two (2) weeks from the date of receipt of a copy of the said order. On receipt of the same, in view of the order passed by the 3rd respondent in proceedings dated 25.03.2022 and circular dated 06.12.2012 issued by the 2nd respondent, the 4th respondent is directed to delete the condition imposed in the impugned conveyance deed dated 06.06.2014 and execute fresh conveyance deed within a period of four (4) weeks thereafter, in the name of the petitioners 2 and 3.



9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rst
To:

1. The General Manager,
Tamilnadu Handloom Weavers'
Co-operative Society Ltd.,
"Balasundaram Building".
No.350, Pantheon Road, Egmore,
Chennai - 600 008.
2. The Director,
Handloom & Textiles,
"Kuralagam" 2nd Floor,
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3. The Assistant Director of Handloom & Textiles,
North Car Street,
Near National Insurance Company Ltd.,
Tiruchengode.
4. The President,
S.No.1108, Suriampalayam Handloom Weaver's
Co-operative Production & Sale Society Ltd.,
Suriampalayam Post,
Tiruchengode Taluk.
5. The Sub Registrar,
Tiruchengode Sub Registrar Office,
Tiruchengode.

+1cc to the Government Pleader Sr.20655
+1cc to M/s.Jayaram & Associates, Sr.20803
+1cc to M/s.T.L.Thirumalaisamy, Advocate Sr.20244

W.P.No.33074 of 2018

bp[co]
srg 04/04/2022