



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **13.07.2022**
CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.14729 of 2022
and
M.P (MD) No.10509 of 2022

B.Sivagami Annamalai

... Petitioner

Vs.

1.The Deputy Registrar of Co-Operative Society (Housing),
16/1, Sammathu School Street,
Khaja Nagar,
Mannarpuram,
Trichy.

2.The Secretary,
R.786, Tiruchirappalli Co-Operative
House Construction Society Limited,
(Makkal Mandram),
Thillainagar,
Trichy.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in letter, dated 22.06.2022 and quash the same as illegal and arbitrary and in consequence thereof direct the second respondent to execute the sale deed for housing plot No.6 measuring 2960 sq.ft. in Varaganeri New housing scheme, Trichy in favour of the petitioner the property in accordance with law.

For Petitioner : M/s.P.Ganapathi Subramanian

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for Mr.Ramesh
Government Advocate

ORDER

The present Writ Petition has been filed challenging an order passed by the second respondent Housing Society rejecting the request of the petitioner for execution of the sale deed, despite payment of the entire amount.



2. It is the case of the petitioner that she was allotted housing plot No.6 in Varaganeri New Housing Scheme, Trichy on 20.08.2007. The entire sale price was remitted by the writ petitioner on or before 08.09.2006. However, the second respondent Housing Society has not been executing the sale deed by citing one reason or the other. Hence, the petitioner had sent representations on 04.02.2022 and 06.06.2022, seeking execution of the sale deed in her favour. The said representations have been rejected by way of an impugned order, dated 22.06.2022. In the said impugned order, it has been stated that there are certain allegations with regard to the allotment of housing plots in the said scheme and Section 81 enquiry has already been initiated. An enquiry officer has also been appointed vide order, dated 18.05.2022. On completion of the said enquiry, based upon the enquiry results, a sale deed could be executed in favour of the writ petitioner. The said order is under challenge in the present writ petition.

3. The learned Counsel for the respondent Housing Society contends that the enquiry officer has already been appointed and he is likely to complete the enquiry on or before 31.10.2022. Hence, depending upon the result of the enquiry, the writ petitioner would get a sale deed executed in her name. Since the allegation relates to allotment of plots in the present scheme, it is better to await for the results of the Section 81 enquiry.

4. I have carefully considered the submissions made on either side.

5. There is no dispute that the petitioner was allotted a housing plot and she has remitted the entire sale consideration. However, the learned Counsel for the respondent Housing Society submits that there are certain allegations with regard to the allotment of plot in Varaganeri New Housing Scheme, Trichy. Hence, an enquiry under Section 81 of the Tamil Nadu Co-Operative Societies Act, 1983 has been initiated and an enquiry officer has been appointed on 18.05.2022. Since the allegations relate to allotment of the plot, this Court feels that the petitioner could very well await for the result of the said 81 enquiry. As per Section 81 of the Tamil Nadu Co-Operative Societies Act, 1983, the enquiry has to complete within a period of ninety (90) days.

6. In view of the above said discussion, this Court is inclined to pass the following order:

"(i) The enquiry initiated under Section 81 of the Tamil Nadu Co-Operative Societies Act, 1983 shall be completed on or before 31.10.2022. Till such time, the second respondent need not execute any sale deed in favour of the petitioner.



(ii) In case, the enquiry could not be completed before 31.10.2022, the second respondent shall execute a sale deed in favour of the **(*)Petitioner** with a recital that the sale is subject to the result of Section 81 enquiry".

7. With the above said observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

(*)Corrected as per order of this Court dated 17/08/2022 made in WP(MD)No.14729 of 2022

Sd/-

Assistant Registrar (As)

// True Copy //

26/08/2022

Sub Assistant Registrar(CS)

btr

To

(*)To be Substituted to the order which already despatched on 27.07.2022

1.The Deputy Registrar of Co-Operative Society (Housing),
16/1, Sammathu School Street,
Khaja Nagar,
Mannarpuram,
Trichy.

2.The Secretary,
R.786, Tiruchirappalli Co-Operative
House Construction Society Limited,
(Makkal Mandram),
Thillainagar,
Trichy.

+1 CC to M/s.SPL.GP (SR-31709[F] dated 14/07/2022)

Order made in
W.P. (MD) .No.14729 of 2022
13.07.2022

SS/21/07/2022/ 3P 4C

MGJ(26.08.2022) 3P 4C