



W.P.(MD)No.15585 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15585 of 2017

V.P.Ananthan

... Petitioner

Vs

1.The Deputy Registrar of Co-operative Societies (Housing),
Madurai Region,
Madurai.

2.The Secretary,
MDA/HSG/112 RMTC Employee Co-operative,
Housing Society Ltd.,
No: 36, Transport Nagar,
Alamarathupatti Post,
Athur – Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to issue necessary instruction to the second respondent to perform its statutory duty of executing a deed of conveyance in favour of the petitioner, in respect of the House constructed in plot No. 100 in Alamarathupatti Housing Scheme allotted vide the agreement entered on 26.04.04 by the second respondent.



For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner was a member of the Board of the second respondent society. The said Housing Society was forming layout for constructing houses. The petitioner was also allotted a piece of land. Based on the said allotment, the petitioner availed loan from HDFC Bank and also put up a house. Now, the petitioner wants the pucca sale deed from the second respondent Society. The second respondent Society did not accede to the said request. Therefore, this writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner had indulged in irregularities when he was a member of the Board and therefore, surcharge proceedings were initiated against the writ petitioner. Originally, the surcharge order was passed and the same was also set aside by the Co-operative Tribunal. Questioning the same, the society filed the writ petition before this Court in W.P(MD)Nos.5417 & 5418 of 2011 and vide order dated 21.07.2014, the order of the Tribunal was set aside and the matter was remanded. The petitioner through his counsel



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gives an undertaking that the petitioner will not alienate or encumber the property in question.

4. Recording the said undertaking, I direct the second respondent to execute the deed of conveyance in favour of the petitioner in respect of the petition mentioned plot. The petitioner shall bear the cost of registration and other incidental charges. I make it clear that till the surcharge proceedings are concluded, the petition mentioned property will not be encumbered or alienated in any manner. This writ petition is allowed. No costs.

08.07.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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