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W.P.No.12263 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM :

The HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12263 of 2023

B.Yasodha

.. Petitioner

VS

- 1.The Special Officer,
Needamangalam Taluk Co-operative
Housing Society Limited No.SA HSG 94,
Needamangalam, Thiruvavarur District.
- 2.The President,
Needamangalam Taluk Co-operative
Housing Society Limited No.SA HSG 94,
Needamangalam, Thiruvavarur District.
- 3.The Secretary,
Needamangalam Taluk Co-operative
Housing Society Limited No.SA HSG 94,
Needamangalam, Thiruvavarur District.
- 4.The Sub-Registrar,
Needamangalam,
Thiruvavarur District.
- 5.The Zonal Deputy Registrar of Co-operatives,
Housing, Thanjavur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent nos. 1 to 3 to execute the sale deed in favour of the petitioner for the plot no.132 in Town Survey No.43/2 situated in the Kamaraj Nagar Layout of Needamangalam, Taluk Co-operative Housing Society, Thiruvavarur District.



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For Petitioner : Mr.D.Lenin
For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondent nos. 1 to 3 to execute the sale deed in his favour for the plot No.132 in Town Survey No.43/2 situated in the Kamaraj Nagar Layout of Needamangalam, Taluk Co-operative Housing Society, Thiruvarur District.

2. Heard Mr.D.Lenin, learned counsel for the petitioner and Mr.K.V.Sajeev Kumar, learned Special Government Pleader, who accepts notice for the respondents.

3. Learned counsel for the petitioner would submit that the petitioner is a member of first respondent society, which was formed for the purpose of providing plots to its members and she approached the Society for allotment of a plot in her name. The petitioner paid a sum of Rs.4,42,000/- in instalments to the Society. On receipt of the same, the petitioner was allotted with a plot bearing No.132. Further submission is also made by learned counsel for the petitioner that for the misappropriation of funds by the



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President and Secretary, enquiry has been initiated by the Zonal Deputy Registrar of Cooperatives and a criminal case in Crime No.04 of 2017 was registered against both of them. Learned counsel further submits that in the interregnum, the petitioner was summoned by the Deputy Registrar of Cooperatives (Housing) to produce all the original receipts before the authority by showing her willingness to pay balance sale consideration. The grievance of the petitioner is that though she had paid considerable amount and ready to pay the balance amount, her request for execution of sale deed in her favour has not been considered. Therefore, the petitioner is before this Court with this writ petition.

4. Per contra, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner has approached the appellate forum, in which, on contest, the very same plot has been allotted in favour of one Govindarajan. Learned Special Government Pleader further submits that the Society is not a Government body and, therefore, no writ can lie and prays for dismissal of writ petition.

5. Having heard learned counsel on either side and having primarily convinced with the submission of learned Special



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Government Pleader that the same survey number has already been allotted to one Govindarajan, this Court is not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

21.04.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

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M.DHANDAPANI,J.

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