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W.P.No.34229 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.34229 of 2019

Dr.L.Anand

... Petitioner

VS.

1.The Registrar of Co-operative Societies (Housing),
2nd Floor, Housing Board Building,
Nandanam,
Chennai - 35.

2.The Deputy Registrar of Co-operative Societies (Housing),
Salem Region, East Garden Street,
Fairlands,
Salem - 16.

3.S1565 Palace Nagar Co-operative Housing Building Society,
Rep. by its Secretary/President,
Palace Towers, Cherry Road,
Salem - 1

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for writ of Mandamus directing the respondents to execute the sale deed in favour of the petitioner for Block D, flat No.09, 1st Floor having sale area of 933 sq. ft. in Palace Tower Complex, Cherry Road, Salem - 636 001 as per the sale agreement dated 05.06.2003.



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For Petitioner : Mr.R.Gunaalan

For Respondents 1 to 3 : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to execute a sale deed in favour of the petitioner for the property at Block D, Flat No.09, first floor having sale area of 933 sq.ft in Palace Towers Complex, Cherry Road, Salem-636 001 as per the sale agreement dated 05.06.2003.

2. A counter affidavit has been filed by the third respondent Society who has to execute a sale deed in favour of the petitioner in respect of the subject property. In the said counter affidavit, in paragraph 7, it has been stated by the third respondent that the petitioner has to pay a sum of Rs.75,971/- towards building insurance, lift maintenance charge, house tax, security salary and apartment repairing charge and only on such payment, sale deed can be executed in favour of the petitioner.



3. Heard Mr.R.Gunaalan, learned counsel for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader appearing for the respondents.

4. It is brought to the notice of this Court by the learned counsel for the petitioner that on 16.12.2022, the petitioner has paid a sum of Rs.76,240/- towards the balance amount payable by the petitioner for getting the sale deed executed in his favour.

5. Learned Special Government Pleader appearing for the respondents has also received instructions from the third respondent that the balance amount payable by the petitioner has been paid on 16.12.2022.

6. Since the balance amount has been paid by the petitioner, the third respondent will have to necessarily execute the sale deed in favour of the petitioner in respect of the subject property.

7. After recording the rival submissions, this court directs the third respondent to execute the sale deed in favour of the petitioner for the



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property at Block D, Flat No.09, first floor having sale area of 933 sq.ft. in Palace Towers Complex, Cherry Road, Salem-636 001 within a period of two weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this writ petition is disposed of. No Costs.

28.02.2023

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Index : Yes/No
Speaking/Non speaking orders
Neutral citations : Yes/No



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ABDUL QUDDHOSE, J.

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