



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25099 of 2018

R.Sivagami(Deceased)

R.Mohan Kumar

... Petitioner

**(Substituted as per the order of
this Court dated 28.02.2023)**

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 C-East, flat No.15, 1st Floor



having sale area of 814 sq. ft. in Palace Tower Complex, Cherry Road, Salem - 636 001 as per the sale agreement dated 11.08.2008.

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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 the sale deed in favour of the petitioner for the property at Block C-East, flat No.15, first floor having sale area of 814 sq.ft. in Palace Towers Complex, Cherry Road, Salem-636 001 as per the sale agreement dated 11.08.2008.

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 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.74,411/- towards water deposit, 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.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

4. Learned counsel for the petitioner on instructions would now submit that the petitioner is willing to pay the aforesaid sum to the third respondent provided a direction is issued by this Court to the third respondent to execute the sale deed in favour of the petitioner for the above mentioned property.

5. Learned Special Government Pleader appearing for the respondents on instructions would submit that the third respondent is willing to execute a sale deed in favour of the petitioner provided the petitioner pays a sum of Rs.74,411/- to the third respondent within the stipulated time to be fixed by this Court.

6. After recording the rival submissions, this writ petition is disposed of by directing the petitioner to pay the third respondent a sum of Rs.74,411/- towards water deposit, building insurance, lift maintenance



charge, house tax, security salary and apartment repairing charges within a period of one week from the date of receipt of a copy of this Order. On receipt of the same within the stipulated time, the third respondent shall execute the sale deed for the property in block C-East, Flat No.15, first floor having sale area of 814 sq.ft. in Palace Tower Complex, Cherry Road, Salem - 636 001 in favour of the petitioner within a period of two weeks thereafter.

No Costs.

28.02.2023

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



To

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ABDUL QUDDHOSE, J.

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