



WEB COPY



W.P.No.12294 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.12294 of 2020 and W.M.P. No.15108 of 2020

1.S.Hemachandran

2.K.Velu

3.K.Vasanthi

... Petitioners

Vs.

1.The Assistant Director,  
Handlooms and Textiles,  
No.1165, Thendral Nagar,  
Main Road, Vengikal,  
Thiruvannamalai - 606 604,  
Thiruvannamalai District.

2.The Managing Director,  
H.H.106, Arni Silk Handloom Weavers  
Co-operative Production and Sale Society Ltd.,  
No.29, Vedhapureeswarar Koil Street,  
Kosapalayam, Arni - 632 301,  
Thiruvannamalai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix the value of the Plot Nos.12-A, 8-A and 15-A situated in S.No.130/3, Hariharan Nagar, Irumbedu Village, Arni Taluk, Thiruvannamalai District by taking note of the guideline value fixed by the Government and receive the same



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from the petitioners for execution of the sale deed in favour of the petitioners.

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For Petitioners : Mr.C.Prakasam

For Respondents : Mr.P.Ganesan,  
Additional Government Pleader  
for R1

Mr.L.P. Shanmugasundaram for R2

### **ORDER**

The petitioners have filed this writ petition seeking a direction to the respondents to fix the value of the Plot Nos.12-A, 8-A and 15-A, situated in S.No.130/3, Hariharan Nagar, Irumbedu Village, Arni Taluk, Thiruvannamalai District by taking note of the guideline value fixed by the Government and to execute the sale deed in their favour.

2.The petitioners are the members of the second respondent/Society. In the year 1962, the second respondent had purchased the land ad-measuring 13.06 acres, comprised in S.Nos.127/1, 316/1 and 130/3, situated at Irumbedu Village, Arni Taluk, Thiruvannamalai District.

3.However, the said land was not utilized by the second respondent and some anti-social elements had encroached a part of the land. Therefore,



the second respondent passed a resolution to convert the said land into house plots. Accordingly, the members of the second respondent were allotted their respective house plots. However, after receipt of advance from them, the second respondent did not take any steps to collect the balance sale consideration and did not execute any sale deed. After allotment of 53 house plots, there was remaining land in which the petitioners were allotted their respective house plots by passing resolution dated 19.10.2018. After allotment, the petitioners had paid their advance amount of Rs.10,000/- each to the second respondent/Society. Though the second respondent passed resolution to sell the plots, which were allotted in favour of the petitioners, the first respondent did not pass any order to fix the value for the said plots. Therefore, the second respondent/society submitted a representation dated 18.03.2020.

4. On a perusal of the counter affidavit filed by the second respondent, it is revealed that the second respondent allotted house plots, numbering 53 to its members under a scattered housing scheme. Thereafter, there was a delay by the members in payment of remaining amount. Therefore, the second respondent filed a suit as against its members and all the suits are



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pending as against the allottees. Thereafter, the lands, which were earmarked for common purposes, were wrongly allotted in favour of the petitioners. Therefore, now the first respondent directed the second respondent to cancel the allotment and also rejected permission seeking execution of sale deed.

5. Though the respondents contended that the plots, which were allotted in favour of the petitioners, were earmarked for common purpose, no lay out has been produced before this Court. Further, there is no evidence to show that the said layout was approved. That apart, the first respondent has also not executed any sale deed so far in favour of 53 members of the second respondent. Against the allottees, four suits are pending for adjudication. Therefore, till the dispute comes to an end, the respondents cannot be directed to fix value for the plots which were allotted in favour of the petitioners for execution of sale deed. Once the suits are disposed of and subject to the result of the suits, the allottees are entitled for execution of sale deed in their favour as per the allotment.



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6.In view of the above observation, this writ petition is disposed of.

No costs. Consequently, connected W.M.P. stands closed.

**18.10.2024**

Index : Yes/No  
Speaking Order : Yes / No  
Neutral Citation Case: Yes / No  
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To

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**G.K. ILANTHIRAIYAN. J.,**

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