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W.P.No.32142 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32142 of 2024
and W.M.P.No.34906 of 2024

1. P.Saravanan
2. T.K.S.Pugazhendhi
3. P.Lokesh

... Petitioners

-Vs-

1. The Tamil Nadu Co-Operative Housing Federation Limited,
Represented By its General Manager (Administration),
Venkataswamy Vagheesam Nilayam (1st Floor),
No.48, Ritherdon Road, Vepery,
Chennai 600 007.
2. The President / Secretary / Administrator,
South Chennai Corporation Housing Society Limited,
No.23, 9th Street, Kumaran Colony,
Vadapalani Chennai 600 026.
3. The Registrar of Cooperative Societies (Housing),
Venkatasamy Vagheesam Nilayam, 2nd Floor,
No.48, Ritherdon Road,
Vepery, Chennai 600 007.
4. The Deputy Registrar (Housing),
Chennai Zone,
G.M.S. Mahal, 4th Floor,
129/55, Medavakkam Tank Road,
Chennai 600 010.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation dated 07.02.2024 submitted by the petitioners and pass necessary orders extending the time limit contemplated under Clause 18 of the MOU dated 22.02.2021 for completion of the project by a further period of 18 months for the completion of the project, within a time limit to be fixed by this Hon'ble Court.

For Petitioners : Mr.N.Ramakrishnan
For R1 to R4 : Mr.M.Murali
Government Advocate

ORDER

This writ petition has been filed for direction directing the respondents to consider the representation dated 07.02.2024 submitted by the petitioners and pass necessary orders extending the time limit contemplated under Clause 18 of the MOU dated 22.02.2021 for completion of the project by a further period of 18 months for the completion of the project, within a time limit to be fixed by this Hon'ble Court.

2. Heard both sides and perused the materials available on record.

3. The petitioners are carrying on business as real estate developers and promoters. They are Directors of the Company called M/s SPE Homes Private



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Limited. The petitioners were power holders of the property ad-measuring 4.75 acres comprised in S.Nos.85/1, 86/1B, 86/2B2, 86/4B, 86/3, 86/5, 91/8B2 and 92/3 of Vayalanallur village, Poonamallee Taluk, Tiruvallur District. The petitioners had approached the second respondent to sell the said properties for the purpose of developing the same into housing plots after obtaining necessary permission and approvals from the concerned authorities. The third respondent, by its proceedings dated 15.02.2021, permitted the second respondent to acquire the said lands and also approved loan for a sum of Rs.25 Crores to be availed by the first respondent for acquisition.

4. Accordingly, the petitioner had entered into a Memorandum of Understanding with the second respondent dated 22.02.2021. As per the terms and conditions relating to sale of subject property, the second respondent and the development and sale of the housing plots has been clearly enumerated. Accordingly, the second respondent had disbursed a sum of Rs.20 Crores in favour of the second respondent for acquisition and also development of subject property by its communication dated 22.06.2022. Out of Rs.20 Crores, the second respondent deducted a sum of Rs.1 Crore and released a sum of Rs.19 Crores in favour of the petitioners.



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5. Thereafter, the petitioners had conveyed the subject property in favour of the second respondent by the registered sale deeds dated 29.06.2022 vide Document Nos.3931 of 2022 and 3978 of 2022. Thereafter, all the revenue records were mutated in the name of the second respondent. The second respondent is yet to make payment of balance sale consideration to the petitioners. Thereafter, the petitioners facilitated to apply for planning permission and layout approval with the authorities concerned by the second respondent. Thereafter, the lands for the purpose of layout roads, OSR land and common amenities were gifted in favour of the Commissioner, Poonamallee Panchayat Union, on 31.08.2023. While being so, the first respondent issued a notice dated 04.09.2023, thereby blacklisting the names of the petitioners and preventing them from participating in all future activities with other Societies and the first respondent.

6. Therefore, it was challenged before this Court in W.P.No.33271 of 2023. This Court, by an order dated 28.11.2023 recorded the statement made by the learned counsel for the first respondent that they are revoking the order dated 04.09.2023. Thereafter, the petitioner submitted a representation for extension of time to complete the project, since clause 18 of the Memorandum



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of Understanding says about the time limit of 18 months to complete the project.

7. In view of the above, there was a delay and not on the part of the petitioners. However, so far, the representation submitted by the petitioners is not considered by the respondents and it is pending. Therefore, the respondents are directed to consider the representation submitted by the petitioners seeking extension of time for completion of the project, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

29.10.2024
(1/2)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J,

mn

To

1. The General Manager (Administration),
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