



W.P(MD)No.5117 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5117 of 2020

MP.Muthuramalingam

... Petitioner

Vs.

- 1.The Registrar,
Co-operative Society (Housing),
48, Ritherdon Road,
Vepery,
Chennai 600 007.
- 2.The Deputy Registrar,
Co-operative Society (Housing),
Viurdhunagar Region, No.3 DD Salai,
Mani Nagar,
Virudhunagar.
- 3.The President,
A-132, Karaikudi Co-operative Housing Building Society Ltd.,
20, Shanmugaraja Road,
Karaikudi 630 001,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to forthwith execute a sale deed in favour of the petitioner in respect of Plot 182 C in R5 Sudamanipuram, Karaikudi in favour of the petitioner as per guideline value fixed by the Government and pursuant to the representation sent by the third respondent to the first respondent .



W.P(MD)No.5117 of 2020

For Petitioner : Mr.AL.Ganthimathi
Senior Counsel
for Mr.C.Mahadevan

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 & R2

: Mr.P.R.Prithiviraj for R3

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 & R2 and the learned counsel for the third respondent.

2. The petitioner is employed in the third respondent society. The petition mentioned plot could not be sold in public auction. However, the petitioner evinced interest in taking allotment of the said plot. Section 23(2)(c) of the Tamil Nadu Co-operative Societies Act, 1983 and the relevant byelaw governing the society come in the way. Proposal was submitted to the Government for relaxing the applicability of the said provision. The Government issued G.O.D.No.122, Housing and Urban Development Department, dated 08.07.2016 granting such relaxation. Thereupon, the third respondent submitted proposal to the first respondent for allotting the plot. It is further stated that the market value of the plot is yet to be fixed. The issue



W.P(MD)No.5117 of 2020

cannot be kept pending indefinitely. G.O granting relaxation was issued way back in July 2016. It appears that three of the allottees filed W.P.(MD)Nos. 21706 to 21708 of 2016 challenging the cancellation order passed by the first respondent. The writ petitions were allowed on 16.11.2016. Questioning the same, the society as well as the department filed writ appeals. The writ appeals are still pending.

3. The stand of the learned Special Government Pleader is that on account of the pendency of the writ appeals, the proposal submitted by the society in favour of the petitioner could not be finalised.

4. The learned senior counsel appearing for the petitioner categorically states that the petition mentioned plot is not the subject matter of any of the writ appeals and that there is no impediment for considering the third respondent's proposal. The first respondent is directed to cause verification of the same. If the petition mentioned plot is not the subject matter of any of the writ appeals, the first respondent shall pass an appropriate order on the proposal dated 21.08.2019 submitted by the third respondent. An appropriate order on merits and in accordance with law will be passed by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. Since the Government had already granted relaxation by issuing a specific GO, the



W.P(MD)No.5117 of 2020

only concern of the first respondent can be regarding the valuation of the property and nothing else. If the petition mentioned plot is the subject matter of the writ appeals, then, the consideration of the proposal will stand deferred and will abide by the outcome of the writ appeals.

5. The Writ Petition is disposed of accordingly. No costs.

11.01.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

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W.P(MD)No.5117 of 2020

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W.P(MD)No.5117 of 2020

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