



W.P(MD)No.16454 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16454 of 2024

B.Sivakumar

... Petitioner

Vs.

1.The Registrar,
Tamil Nadu Co-operative Housing Society,
No.140, EVR Periyar High Road,
Kilpauk,
Chennai – 600 010.

2.The Special Officer,
D.D-193, Dindigul Co-Operative Housing Society Ltd.,
Reg No. 11/2021,
Ganapathy Agraharam,
Dindigul.

3.The Co-Operative Sub Registrar (Inspection),
D.D-193, Dindigul Co-Operative Housing Society Ltd.,
Reg No. 11/2021,
Ganapathy Agraharam,
Dindigul.

4.The Secretary,
D.D-193, Dindigul Co-Operative Housing Society Ltd.,
Reg No. 11/2021,
Ganapathy Agraharam,
Dindigul.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue the pending payment details of the land to an extent of 11.3 acres in S.No. 220/1B, 220/3, 223/15A2, 223/14A2, 223/14B2 and 223/16B situated at Adiyanoothu Village, Dindigul District receiving the same consequently to execute the sale deed in respect of the same based on the petitioner's representation dated 09.07.2024.

For Petitioner : Mr.B.Prasanna Vinoth

For Respondents : Mr.R.Prithiviraj for R.2

Mr.V.Ramu for R.4

ORDER

The petitioner claims that his late father-in-law, Thiru.R.Kathirvel participated in auction conducted on 15.04.2006. The petitioner seeks pending payment details in respect of the same.

2.When the matter was taken up for hearing, the learned counsel appearing for the second respondent pointed out that the petitioner's father-in-law himself filed W.P(MD)No.11017 of 2006 and it was dismissed. He filed W.A(MD)No.702 of 2009. It was dismissed on 08.07.2009. There is no reference in the affidavit filed in support of the writ petition to the aforesaid Writ Appeal order. When the petitioner's



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father-in-law's efforts ended in vain, the petitioner cannot revive the issue. It appears that the petitioner's father-in-law had handed over a sum of Rs.1 Lakh towards EMD. The society is said to have issued cheque towards refund of the said amount. The petitioner's father-in-law does not appear to have encashed the same.

3.If that be so, the petitioner can very well submit an application for refund of the EMD. The petitioner should of course furnish the legal heir certificate. The society will refund EMD to the legal heirs. The question of paying interest does not arise at all.

4.This writ petition stands dismissed. There shall be no order as to costs.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA



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G.R.SWAMINATHAN,J.

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