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C.R.P.No.1171 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

C.R.P.No.1171 of 2025
and C.M.P.No.6984 of 2025

1.The Secretary (In-Charge),
Kurudampalayam Co-operative Housing Society Limited,
Rep.by A.Sarojini
Having office at
D.No.4/166, N.G.G.O.Colony,
Coimbatore-641 022.

2.The Special Officer,
Kurudampalayam Co-operative Housing Society Limited,
Coimbatore-641 022.

...Petitioners

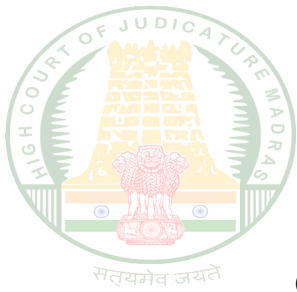
Vs.

1.N.Senthil Kumar

R.Narayanan (Died)

2.The Deputy Registrar,
Co-operative Societies (Housing),
Mettupalayam Road,
Near Chinthamani,
Coimbatore-641 001.

...Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree passed in Co-op.C.M.A.No.114 of 2011 dated 11.07.2022 on the file of the Principal District Court, Coimbatore, reversing the judgment in A.R.C.No.430 of 2010 dated 02.09.2011 on the file of the Deputy Registrar of Co-operative Societies (Housing), Coimbatore.

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.P.Gurunathan
Additional Government Pleader
for R2

ORDER

This Civil Revision Petition has been filed against the judgment and decree passed in Co-op.C.M.A.No.114 of 2011 dated 11.07.2022 by the Principal District Court, Coimbatore, reversing the judgment in A.R.C.No.430 of 2010 dated 02.09.2011 on the file of the Deputy Registrar of Co-operative Societies (Housing), Coimbatore.

2. The facts of the case are that the first respondent's father, namely, Narayanan is a member of the petitioners Society, namely, Kurudampalayam Co-operative Housing Society Limited, Coimbatore and was allotted



Site No.69 of the layout and was directed to pay a total sale consideration of Rs.11,611/-. He paid a sum of Rs.1,000/- on 31.10.1983 and Rs.3,000/- on 23.04.1984 and Rs.3,000/- on 25.06.1984. Thereafter, he has paid the balance sale consideration on 12.06.1996. The petitioners Society had issued letters demanding him to come forward for registration of the sale deed. In the interregnum, since no transfer of title has taken place in favour of the members, the Assistant Commissioner of Urban Land Tax assessed the tax for the layout and imposed urban land tax and directed the petitioners Society to pay the same, against which, the petitioners Society preferred a revision petition before the Principal Commissioner of Land Reforms and it was allowed directing the Society to pay a sum of Rs.27,669/- and take back the eight house sites which were allotted and not registered in favour of the allottees.

3. While so, on 02.04.2017, the father of the first respondent issued a letter requesting the Society to register/transfer the land in his favour. Alleging that from the year 1992 onwards, the Society has incurred Rs.1,50,000/- for litigation expenses and for paying Urban Land Tax and he has approached the Society after a lapse of six years, the sale deed was not



executed, against which, he has preferred a petition under Section 90 of the Co-operative Societies Act before the Deputy Registrar Housing, Coimbatore and considering the pecuniary circumstances of the Society, the Deputy Registrar has dismissed the petition directing the Society to refund the sale consideration to the said Narayanan, against which, he preferred the Civil Miscellaneous Appeal before the Principal District Court, Coimbatore. During the pendency of the appeal, Narayanan died and the first respondent herein was impleaded as his legal heir. The Principal District Court allowed the appeal filed by Narayanan directing the Society to calculate the expenses incurred for them and proportionately collect the expenses and tax paid for house site No.69 and on payment of the same, the Society was directed to execute the sale deed in favour of the first respondent herein. Challenging the same, this Civil Revision Petition has been filed.

4. The learned counsel appearing for the petitioners Society submits that because of non-performance of contract by the first respondent's father, the petitioners Society had paid a sum of Rs.27,660/- as urban land Tax to the Urban Land Tax Department and inspite of several reminders sent by the petitioners Society, a reply letter was sent by the first respondent's father only



on 02.04.2007 stating that due to family circumstances, he was not able to purchase the property and the first respondent's father insisted the Society to register the Sale Deed in favour of him. The Society has also sent a letter on 30.06.2010 stating that if he pays the guideline value of the property, the sale deed can be executed, but the first respondent's father refused to pay the market value and a notice was also issued by the Society on 10.08.2010 informing that the allotment order was canceled by the Society on 16.09.2010. Considering the above factual aspects, the Deputy Registrar Housing, Coimbatore, dismissed the petition filed by the first respondent's father, against which, he preferred the appeal before the Principal District Court, Coimbatore, wherein, the Society was directed to execute the sale deed in favour of the first respondent, after receiving the amount which was incurred by the petitioners Society for litigation and tax.

5. Heard the learned counsel appearing for the petitioners Society and the learned Additional Government Pleader appearing for the second respondent. Since no adverse order is going to be passed against the first respondent, notice to the first respondent is dispensed with.



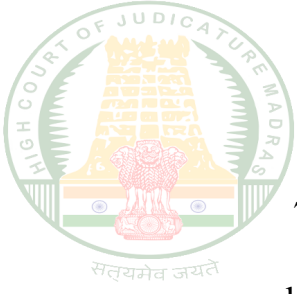
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6. It is not in dispute that the first respondent's father was allotted site No.69 of the layout. Due to non-payment of entire sale consideration in time, sale deed was not executed, and though several reminders were sent to him, he paid the entire sale consideration only on 12.06.1996. Further, in the year 1992, the Assistant Commissioner of Urban Land Tax has assessed the tax for the layout and directed the Society to pay a sum of Rs.3,49,430/- and subsequently, on 18.03.2002, the Special Tahsildar, has acquired the eight house sites including the site of the first respondent's father for a sum of Rs.5,56,670/-. After payment of Urban Land Tax in the year 2007, the Society has taken steps to take back the lands from the allottees and at that stage, the first respondent's father has expressed his willingness to register the land, however, the Society has not come forward to register the same. Thereby, the first respondent's father filed a petition before the Deputy Registrar (Housing), likewise the similar claim made by the allottees in O.P.Nos.333 to 336 of 2009 on the file of the Deputy Registrar (Housing), wherein, vide order dated 14.09.2009, the Society was directed to register the land in favour of the allottees after receiving the expenses incurred by them. However, the Deputy Registrar (Housing) has observed in the petition filed



by the first respondent's father that since the order dated 14.09.2009 passed in other petitions was challenged before the Principal Labour Court, Coimbatore, by the Society and interim stay was granted, the Deputy Registrar was not in a position to pass any order and rejected the petition filed by him. However, in C.M.A.Nos.49, 51 and 52 of 2010 preferred by the Society against the order passed in O.P.Nos.333, 334 and 336 of 2009, the Principal District Court, Coimbatore, directed the Society to receive the expenses incurred by them for litigation relating to Urban Land Tax and other expenses from the allottees and thereafter, the land was directed to be transferred to them. Following the same, in the appeal preferred by the first respondent's father, the Principal District Court, Coimbatore, directed the Society to calculate the expenses incurred for them and proportionately collect the expenses and tax paid on behalf of the house site allotted to the first respondent's father and on payment of the same, the Society was directed to execute the sale deed in favour of the first respondent, since during the pendency of the appeal, the first respondent's father died. This Court finds no ground to interfere with the order dated 11.07.2022 passed by the Principal District Court, Coimbatore, in Co-op.C.M.A.No.114 of 2011.



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7. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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ssb

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:
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Near Chinthamani,
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M.DHANDAPANI, J.

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