



WEB COPY

W.P.No.27038 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Writ Petition No.27038 of 2022

1. R.Vasudevan
S/o.Ramasamy, No.21, Eden Garden,
Thally Road, Hosur, Krishnagiri District- 635 109.

2. N.Divakar
S/o.Nagalingam, C-32/17, TNHB Bagalur,
HUDCO, Hosur, Krishnagiri District- 635 109.

3. T.A. Sankar
S/o.Ananthakrishnan, No.2/535, Lal W-Quarters,
Mookandapalli Village, Hosur,
Krishnagiri District- 635 109.

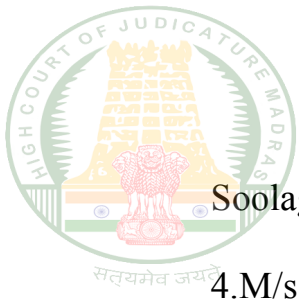
... Petitioners

Vs.

1. The Registrar (Housing)
Tamil Nadu Registration Co- Operative Society,
No.48, Ritherdon Road, Vepery, Chennai- 600 007.

2.The Deputy Registrar (Housing)
Tamil Nadu Registration Co- Operative Society,
Vellore Zone, Vellore District.

3.The Sub Registrar
No.4/330, Berigai Main Road, Bazaar Street,



Soolagiri, Krishnagiri District.

4.M/s.Bimetal Bearing Employees Co- Operative
Housing Society Limited,
Rep by its President Mr.R. Muthuraj,
No.NA.HSG -59, Office at Perandapalli Village,
Hosur Taluk, Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for, to issue a Writ of Mandamus, directing the first Respondent to give permission to the fourth respondent herein to execute the sale deeds in their favour at the value of Rs.12 /- per Sq.ft., based on the recommendation dated 27.01.2021 by the second respondent.

For Petitioners : Mr.P.Thiyagu
For Mr.R.Subramani

For Respondents : Mr.M.Muthusamy
Government Advocate, for RR 1 to 3

Mr.G. Dinesh, for R4



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ORDER

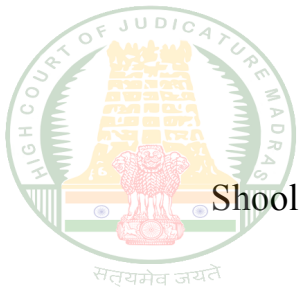
The petitioner seeks for the following relief:

to issue a Writ of Mandamus, directing the first Respondent to give permission to the fourth respondent herein to execute the sale deeds in their favour at the value of Rs.12 /- per Sq.ft., based on the recommendation dated 27.01.2021 by the second respondent.

2. I have heard Mr.P.Thiyagu, learned counsel appearing for Mr.R.Subramani, for the petitioners and Mr.M.Muthusamy, learned Government Advocate appearing for the respondents 1 to 3 and Mr.G.Dinesh, learned counsel appearing for the fourth respondent.

3. The three petitioners were employees of M/s. Bimetal Bearing Engineering Company. The employees in the year 1994, joined together to form a Co-Operative Society under the name and style of “M/s.Bimetal Bearing Employees Co-operative Housing Society Limited.” This Society purchased properties from the contributions made by its members in several survey numbers situated at Alur Village and Panchayat, Hosur Taluk,

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Shoolagiri Panchayat Union Limits, Krishnagiri District.

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4. The petitioners became members of the fourth respondent Society on 30.03.1996, 12.09.1994, and 18.07.1994 respectively. The petitioners sought for allotment of houses and the same was also done. The petitioners on the basis of the allotment, have also paid the entire amount corresponding to their share towards sale consideration.

5. There were in all 100 members, who had joined the 4th respondent society. Thereafter, when the property mentioned above was procured, a layout was formed, which constituted 98 housing plots and 2 shops, duly approved by the Hosur Planning Authority. By way of draw of Lots (Kulukkal) conducted on 26.04.2014, 90 members (excluding 7 deceased members and the Writ Petitioners) were allotted their respective plots.

6. In order to allot the plots to its members, the society sought permission from the Registrar of Co-operative Societies (Housing), Chennai/1st Respondent, through the 2nd Respondent. The 1st Respondent,
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upon examining the proposal and obtaining the necessary permission from the Housing and Urban Development Department, Chennai, had accorded administrative sanction to allot plots at the cost of Rs.12/- per Sq.ft to the eligible members of the Society, vide 1st Respondent letter No. 8252/2011 E4 dated 05.12.2017. In this letter, one of the conditions imposed was that the earlier fixation of Rs.12/- per sq.ft could not be applied to the writ petitioners, and that a fresh Price Fixation Committee had to be constituted to re-fix the price. The second respondent was directed via this proceeding to collect the amount fixed by the Price Fixation Committee, and only upon the amount so determined gets remitted, the lands were mandated to be sold to the Writ Petitioners. This peculiar condition was so imposed because, on the date of the purchase of the vacant land by the Society, the plots were not to be sold at the rate of Rs.12/- per Sq.ft to those members, who have joined after the date of purchase of vacant lands by the society on 27.01.1995;

7. Being aggrieved by the peculiar stand taken by the 1st Respondent, the 4th respondent sent representations to the 1st Respondent on behalf of the Writ Petitioners, to permit execution of sale deeds in favour of the



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Petitioners at the earlier determined rate of Rs.12 per Sq.ft., contending that it was wholly improper to deny the Petitioners the same benefit as other members. Meanwhile, the Joint Registrar, Vellore, sought for complete particulars and prevailing market value from the 4th Respondent, and the same was furnished by the Society. These were then forwarded to the 2nd Respondent, who, after considering all the attendant circumstances, recommended the execution of the sale deeds at Rs.12 per Sq.ft., to the 1st Respondent via proceedings No. Na.Ka.800/2019/E dated 27.01.2021. As the same had not been given effect to, they are before this Court.

8. This Court had entertained the Writ Petition and had directed the respondents to file a counter. The respondents reiterated their contention that as the petitioners became members of the Society after its formation, they have to pay the price as would be fixed by the Price Fixation Committee.



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9. It is not in dispute that when the allotment was made in favour of the petitioners, an assurance had been held out that the alienation will be at Rs.12/- per sq. Feet. In fact, the petitioners have enclosed Sale Deeds of similarly placed members to whom the sale had been made at Rs.12/- per sq. Feet. The differentiation attempted to be made by the respondents as to the date of joining as a member to be a ground to differentiate between employees, is arbitrary. The petitioners should have been informed when they were allotted the plots, that they would be treated differently, as they had become members of the Society subsequent to its formation. No such proceedings or communication to that effect from the respondents' has been produced before this Court.

10. As the petitioners are placed similarly to the other members of the Society, the artificial differentiation that is sought to be made on the basis of the executive order cannot pass muster. This is especially so when the second respondent has recommended the case of the petitioners as late as 27.01.2021. Consequently, there shall be a direction to the respondents to



implement the order of the second respondent dated 27.01.2021, and if the petitioners fulfill all the other requirements, the fourth respondent is directed to execute the documents in their favour at the rate of Rs.12/- per sq. feet.

11. The Writ Petitions are ordered accordingly. There shall be no order as to costs.

10.09.2025

jv

Internet : Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To

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Tamil Nadu Registration Co- Operative Society,
No.48, Ritherdon Road, Vepery, Chennai- 600 007.

2.The Deputy Registrar (Housing)
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V. LAKSHMINARAYANAN, J.

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