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Writ Petition No.37391 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.37391 of 2024

Mr.S.Shanmugam

.... Petitioner

-Vs-

1.The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Building
(2nd Floor Annexure)
Anna Salai, Nandanam
Chennai 600 035.

2.The Secretary
The Chengalpattu Co-operative House
Building Society Limited (No.G1382)
No.34 A/1, Azhagesan Road
Vedasalam Nagar
Chengalpattu-603001.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the representation 27.9.2024 sent by petitioner to the respondents to execute the sale deed in respect of the Shop No.2 (vacant land), situated on the Eastern side of the Plot No.29, at Anna Nagar, Chengalpattu, measuring an extent of 356 Sq.ft., within a time fixed by this Court.



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For Petitioner : Mr.C.Jaya Chithra

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the 1st and 2nd respondents to consider a representation dated 27.09.2024 sent by the petitioner seeking execution of sale deed with respect to Shop No.2 which is vacant land and situated on the Eastern side of Plot No.29 at Anna Nagar, Chengalpattu, measuring 356 Sq.ft., within a specific time period.

2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner had participated in a public auction held on 13.07.1991 and paid a sum of Rs.5000/- as deposit on the same day. The petitioner was declared as the successful bidder for Shop No.2 [vacant land] situated on the eastern side of Plot No.29, Anna Nagar, Chengalput. The total area of the land was 356 Sq.ft.. The petitioner had paid a sum of Rs.25,000/- towards sale price and receipt was also issued on 22.07.1991. After purchase of the property the petitioner had put up a construction in the land allotted and the petitioner has been in absolute possession from the date of allotment.

3.In the affidavit it had stated that he had approached the 2nd respondent



on various occasions requesting them to execute sale deed for the aforementioned land where he had put up the construction and which he has purchased in an open auction in the year 1991 and for which he had also paid the entire sale consideration. But however, the 2nd respondent had not given any specific reply for the representations given by the petitioner. It is under those circumstances the writ petition has been filed.

4. Notice had been directed to the respondents and the learned counsel had forwarded instructions received from the 2nd respondent. It is contended that the petitioner had participated in the auction as stated by him and had also paid the entire sale consideration. It is however stated that the relevant records are not available in the Office. But however, the obligation to execute sale deed is paramount and having received the entire sale consideration, the 2nd respondent cannot now turn around and disclaim knowledge or claim that the documents are not available.

5. A direction is given to the 2nd respondent to execute sale deed with respect to the land measuring 356 Sq.ft., purchased by the petitioner herein with respect to Shop No.2 [vacant land] situated on the Eastern side of the Plot No.29



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at Anna Nagar in Chengalpattu measuring 356Sq.ft. Such sale deed to be executed on or before 31.03.2025, after following due procedure.

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6.The Writ Petition stands allowed. No costs.

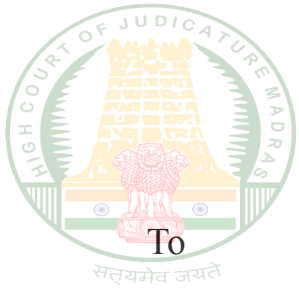
21.01.2025

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Index : Yes/No

NCS : Yes/No

KP



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To

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