



W.P.(MD) No.24180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24180 of 2025

and

W.M.P(MD)No.18981 of 2025

Mohamed Hanifa

.. Petitioner

Vs.

1.The Regional Deputy Registrar (Housing),
O/o the Regional Deputy Registrar (Housing),
No. 24, 2nd Street,
New Daniel Thomas Nagar,
Thanjavur District.

2.The Sub Registrar of Cooperative Societies (Housing),
O/o the Sub Registrar of Cooperative Societies (Housing),
Daniel Thomas Nagar,
Thanjavur District.

3.Arignar Anna Cooperative Societies,
Limited No.A-1432, Represented by its President,
No.50/44-A, Lal Bahadur Sasthri Road,
Kumbakonam Town,
Thanjavur District.

4.Arignar Anna Cooperative Societies,
Limited No.A-1432, Represented by its Secretary,
No.50/44-A, Lal Bahadur Sasthri Road,
Kumbakonam Town,
Thanjavur District.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in Na.Ka.No. 431/2020/Na.Vi.Va dated 31.07.2025 issued by the respondent No.1 and quash the same as illegal, and consequently direct the respondents to pay interest at the prevailing bank rate on the sum of Rs.12,30,000/- from 28.03.2014 to 06.05.2024 within a time frame fixed by this Court.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The above writ petition is filed for the following relief :

“to call for the records pertaining to the Impugned order in Na.Ka.No. 431/2020/Na.Vi.Va dated 31.07.2025 issued by the respondent No.1 and quash the same as illegal, and consequently direct the respondents to pay interest at the prevailing bank rate on the sum of Rs.12,30,000/- from 28.03.2014 to 06.05.2024 within a time frame fixed by this Court.”



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2. The brief facts which has culminated in filing of the writ petition is herein below set out:

2.1 The petitioner would submit that he had originally worked in Cholan Roadways Corporation, Thanjavur Branch. Thereafter, he had left the above job and had gone abroad. In the year 2020, he returned to India and along with his son, he is running a small cooling manufacture shop.

2.2 The petitioner would submit that he has a son and daughter, both of whom are married. He does not have any lands and house and is living at Plot No.11, 799/AU, 4th Cross, Aruna Jagathesan Garden, Muthupillai, Kumbakonam, Thanjavur District, which is a rented premises, along with his family members. While so, in the year 2014, a publication for sale of plots at Sanapuram, Kumbakonam, Thanjavur District was issued by Aringnar Anna Co-operative Societies Office. He was allotted a plot measuring 3000 square feet and the prices then fixed was a sum of Rs.410/- per square feet and the total sale consideration was a sum of Rs.12,30,000/-. The petitioner would submit that on various dates, he had paid the said amount between the period 28.03.2014 to



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27.09.2018. Though the entire sale consideration was received, the Secretary of the Society one Kumar failed to execute the sale deed in his favour. It is then came to the knowledge of the petitioner that the respondents 3 and 4 had not acquired the lands, in which the plot was allotted to the petitioner. Thereafter, when questioned, they had informed that the project had not been completed and therefore being dropped. They have assured that the amount of the allottees would be returned to them.

2.3 Though such an assurance was given, the amounts were not disbursed. Therefore, the petitioner had sent a detailed representation to the respondents and their higher officials. Despite receipt of which, no action was taken. On 23.08.2011, the petitioner made a detailed representation to the 2nd respondent under Section 90 of the Tamil Nadu Co-operative Societies Act (hereinafter called as 'Act'). An enquiry was conducted on 15.09.2022. It was was informed that a sum of Rs. 12,30,000/- would be disbursed on or before 30.10.2022. Ultimately, the said amount was paid only after the petitioner had filed writ petition



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before this Court in W.P(MD)No.30150 of 2023 vide order dated 19.12.2023. Thereafter, the enquiry was concluded and directions were issued to return a sum of Rs.12,30,000/- to the petitioner. The same was received only on 06.05.2024. However, it was only the principal amount that is settled and no interest was paid. The petitioner therefore once again sent a detailed representation to the respondents to disburse the amount on 11.12.2024 and as this was not considered, he had filed W.P(MD)No.29 of 2025 and by an order dated 03.01.2025, the representation was directed to be disposed of within a period of six weeks. Since the same was not disposed of, Cont.P(MD)No.1952 of 2025 was filed by the petitioner and when the matter was taken up for hearing, the 1st respondent produced the order dated 31.07.2025 rejecting the request which is impugned in this writ petition.

3. Heard the learned counsels on either side.

4. The ground on which the request was rejected is that if the interest is given to the petitioner, it would open the pandora's box as



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others would also start demanding interest. Though such a stand was taken by the respondent in their counter affidavit, today, the learned Additional Government Pleader would produce the application that has been submitted by the petitioner for allotment of the property, in which clause no.5 would read as follows :

“5. ஏதேனும் எதிர்பாராத நிர்வாகக் காரணங்களால் மனைக்காக நான் செலுத்தும் தொகையை சங்கம் எனக்கு திருப்பி வழங்க நேர்ந்தால், இதற்கான வட்டி ஏதும் வழங்கப்படமாட்டாது என்பதை தெரிந்து கொண்டேன். இதனை ஏற்கிறேன்.□

5. He would therefore submit that since the non-payment was for reasons beyond the control of the respondents, the petitioner is not entitled to interest. This argument cannot be countenanced for the simple reason that the very clause which has been relied upon by the learned Additional Government Pleader would clearly state that the interest would be payable in a situation where the respondents were to return the money to the allottee of the plot for unaccepted reasons, then the allottee is not entitled to interest. However, in the instant case, the respondents



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despite informing the petitioner that they could not proceed with the allotment as the land had not been acquired and assuring the petitioner that the amounts would be returned, has failed to do so for over six years and it is only after the petitioner has approached the Court that the amounts have not been paid. Therefore, the respondents cannot rely on the said clause. Further, the order rejecting the request is that payment to the petitioner would open pandora's box. Such a stand by Government authority is absolutely deplorable. The money which has been paid as early as in 2018 has been returned and retained by the respondents for well over 7 years and has been returned only on 06.05.2024.

6. Therefore, the respondents are under an obligation to pay the interest at prevailing bank rate from the date of the last instalment, namely 27.09.2018 till the payment of 06.05.2024 on the sum of Rs. 12,35,000/- The same shall be paid to the petitioner within a period of two (2) months from the date of receipt of copy of this order.



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7. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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