

T.Navaneethakrishnan Vs. the State of Tamil Nadu and ors.

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Court : Chennai

Decided On : Apr-03-2012

Judge : R.Sudhakar, J.

Acts : [Constitution of India](#) - Articles 226

Appeal No. : Writ Petition No.295 of 2010

Appellant : T.Navaneethakrishnan

Respondent : The State of Tamil Nadu and ors.

Advocate for Def. : Ms.V.M.Velumani, Adv

Advocate for Pet/Ap. : Ms.Selvi George, Adv.

Judgement :

Writ Petition is filed under Article 226 of the [Constitution of India](#) praying to issue a Writ of Certiorarified Mandamus, to call for records of proceedings in Rc.No.6700/2009/C4 dated 8.10.2009 on the file of the 4th respondent and the consequential proceedings issued by the fifth respondent in No.50219/C2/2009 dated 15.10.2009 and quash the same so far as the petitioner is concerned and consequently direct the respondents to register the sale deed to be executed by the third respondent without demanding the Stamp Duty.

ORDER

1. This Writ Petition is filed praying to issue a Writ of Certiorarified Mandamus, to call for records of proceedings in Rc.No.6700/2009/C4 dated 8.10.2009 on the file of the 4th respondent and the consequential proceedings issued by the fifth respondent in No.50219/C2/2009 dated 15.10.2009 and quash the same so far as the petitioner is concerned and consequently direct the respondents to register the sale deed to be executed by the third respondent without demanding the Stamp Duty.

2. It is stated that the relief sought for in this writ petition becomes infructuous, in view of the G.O.(D)No.16 Housing and Urban Development (HCS) Department dated 11.1.2010. A photocopy of the said G.O. has been produced before this Court. The relevant portion of the G.O., is extracted as below:-

"3. The Registrar of Co-operative Societies (Housing) has further stated that there are 1152 number of plots for which permission has to be accorded to permit the societies to issue sale deed to the allottees and request the Registration Department to register such sale deeds with stamp duty exemption. Similarly, another 2636 number of plots which were already agreed by the concerned societies to be procured from the land owner/power agent have to be sold to the members as per the agreement and registered by the Registration Department with stamp duty exemption. Therefore, the Registrar of Co-operative Societies (Housing) has sought for orders of the Government permitting concerned Co-operative Societies (Housing), who have undertaken consignment scheme to complete the scheme by allowing registration of 3788 number of plots including both the plots already sold and plots pending sale with stamp duty exemption in order to fulfill the commitment by the societies and in order to protect the interest of the members of the society.

4. The Government, after careful consideration, accept the proposal of the Registrar of Co-operative Societies (Housing) referred to in para 3 above subject to the following conditions:-

(a) Among the 3788 plots, for plots in the unapproved lay-out, the Registrar of Co-operative Societies (Housing) should ensure that sale deed for such plots are issued after the layout for the plots is duly approved by competent authority.

(b) In future, the Co-operative Housing Society should undertake consignment scheme only with the prior approval of the Government."

3. In view of the G.O.(D)No.16 Housing and Urban Development (HCS) Department dated 11.1.2010, this Writ Petition is closed as infructuous. No costs.

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