

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.19588 of 2015

and

M.P.No.1 of 2015

Jaya Thambi,
rep., by her Power Agent,
Mr.Nagarajan

.. Petitioner

vs.

1. The President,
Gandhi Nagar Co-operative House
Construction Society Ltd.,
No.25, Third Main Road,
Gandhi Nagar, Adyar,
Chennai - 20.
2. The District Registrar,
Housing Co-operative Society,
Office of the District Society,
T.Nagar, Chennai.
3. The District Registrar (South),
2nd Floor, Jeenis Road,
Saidapet, Chennai - 600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing Respondent Nos.2 & 3 to consider the representation of the petitioner dated 13.5.2015 and to dispose of the same.

For petitioner : Mr.S.Senthilnathan

For respondents 2 & 3: Mr.R.Balaramesh

Additional Government Pleader

ORDER

Mr.R.Balaramesh, learned Additional Government Pleader, takes notice for Respondent Nos.2 and 3.

2. With the consent of both the parties, this Writ Petition is taken up for disposal, at the admission stage itself.

3. According to the petitioner, his mother Late Sarada Sugumar was the member of the first respondent society and purchased the property from one M.Sankara Reddy. However, sale deed was not executed by the first respondent. Therefore, the petitioner's mother filed a Civil Suit in C.S.No.98 of 1960 before this Court seeking for a direction to the first respondent to execute the sale deed and the suit was decreed vide Judgment dated 4.4.1961. However,

the first respondent was not inclined to execute the sale deed in favour of the petitioner. The petitioner's mother died on 23.1.2012 leaving behind the petitioner and two of her sisters Maya Nayar and Lekha Nayar. Learned counsel further stated that fraud has been committed by the first respondent in the matters of allotment and registration of the property in favour of the petitioner's mother. Hence, the petitioner submitted a representation dated 13.5.2015 to the respondents 2 and 3 to consider and dispose of the same in accordance with law.

4. Learned counsel appearing for the petitioner would submit that the petitioner will be satisfied if the representation of the petitioner is disposed of.

5. In view of the limited prayer made, without going into the merits of matter, Respondent Nos.2 and 3 are directed to consider the representation of the petitioner dated 13.5.2015 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

asvm

To

1. The President,
Gandhi Nagar Co-operative House
Construction Society Ltd.,
No.25, Third Main Road,
Gandhi Nagar, Adyar,
Chennai - 20.
2. The District Registrar,
Housing Co-operative Society,
Office of the District Society,
T.Nagar, Chennai.
3. The District Registrar (South),
2nd Floor, Jeenai Road,
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+1 cc to Mr.S.Senthilnathan, Advocate, sr.33152
+1 cc to Government Pleader, sr.33640

W.P.No.19588 of 2015
and
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sr(co)
kra(29/07)