

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.27719 of 2015

1.Dr.G.Varadharajulu
2.Dr.V.Rajalakshmi
3.Dr.V.Hema Vijayalakshmi

... Petitioners

vs.

1.The Registrar of Co-operative Societies (Housing)
Tamil Nadu Housing Board Building,
Nandanam, Chennai - 600 035.

2.The Deputy Registrar (Housing)
Chengalput Division,
7A/18, Varadhanar Street,
Vedhachalam Nagar,
Chengleput - 603 001.

3.Dr.Rani Rathinavel

... Respondents

Prayer :- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus to enforce a statutory public duty cast upon the 1st respondent and direct the 1st respondent herein to dispose of the petition dated 05.05.2014 filed by the petitioners under Section 90 (1) (a) of the T.N. Co-operative Societies Act, 1983 (Act 30 of 1983).

For Petitioner : Mr.R.Swaminathan
For Respondents : Mr.D.Venkatachalam

सत्यमेव जयते
O R D E R

The petitioners and Mrs.Rani Rathinavel, third respondent herein are the legal heirs of one late M.N.Govindan. The said Govindan was a member of "The Ambattur Government Servants Co-operative Building Society Ltd." and his membership number was 264. The property was allotted by the Society to the said Govindan and all the payment were made to the society. In fact, the said Govindan also mortgaged the property to the Government and redeemed the same. However, the property was not conveyed to the said Govindan. Therefore, after the death of the said Govindan, the legal heirs sought for execution of conveyance. In this regard, the petitioners filed a petition dated 05.05.2014 under Section 90 (1) (a) of the Tamil Nadu Co-operative Societies Act, 1983 seeking for a direction

to the respondents to deliver the property comprised in Survey No.604/1B, measuring about 15,120 sq.ft. Situated at No.89, Ambattur Village, Saidapet Taluk, allotted to Membership No.264 (Mr.M.N.Govindan). Even though the said petition was filed as early as on 27.04.2014, so far it has not been disposed of. Hence, the petitioner is before this Court.

2. Heard Mr.R.Swaminathan, learned counsel appearing for the petitioners and Mr.D.Venkatachalam, learned Standing Counsel appearing for the respondents.

3. The learned Standing Counsel appearing for the respondents would submit that it is not known whether the petition filed by the petitioners are in the proper format or with the requisite fee.

4. If the petition filed by the petitioners has not been accompanied with appropriate fee and not in the specified format, then it is for the respondents to return the same alongwith entries in this regard. However, this cannot be a ground for the respondents to keep the petition pending. Therefore the first respondent is directed to verify whether the petition filed by the petitioner is in order. If the petition filed by the petitioners is in order, the first respondent is directed to dispose of the said petition, after affording opportunity to all the parties, within twelve weeks from the date of receipt of the copy of this order. In case if the petition filed by the petitioners is not in proper format and not accompanied by appropriate fee, then the first respondent is directed to return the same providing all the details to the petitioners, within two weeks from the date of receipt of the copy of this order. If the petition is returned by the respondents, then the petitioners are directed to comply with the returns and re-present the same within a period of one week thereafter. On re-presenting the petition by the petitioners, the first respondent is directed to dispose of the same within a period of twelve weeks on receipt of the re-presented petition.

5. The writ petition is disposed of with above direction. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

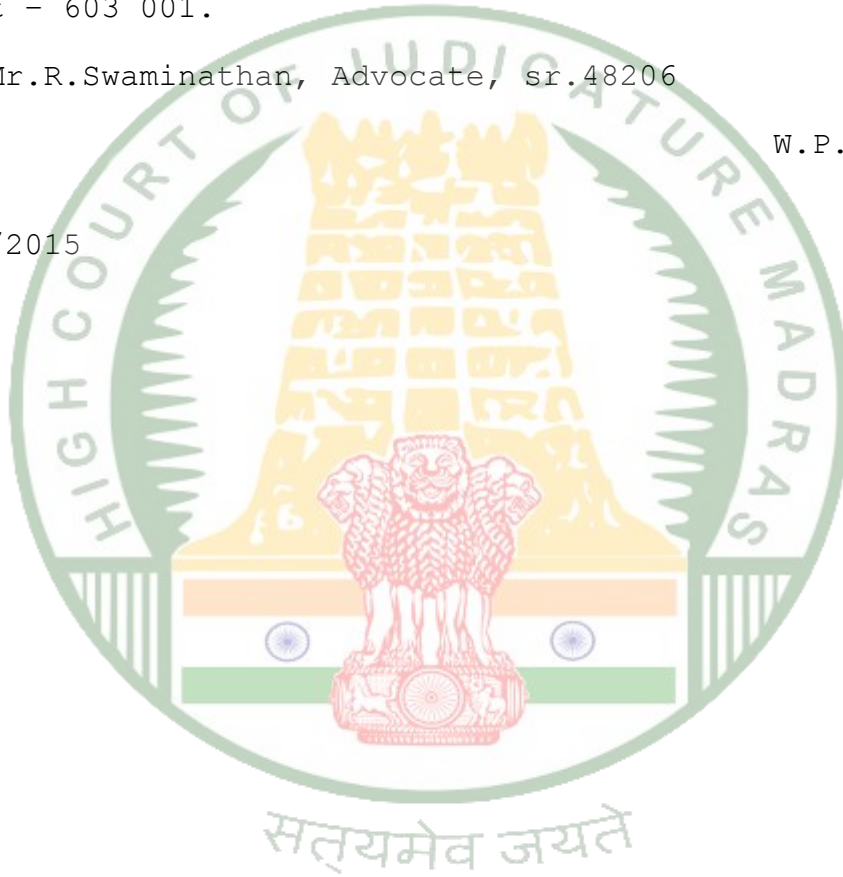
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+1 cc to Mr.R.Swaminathan, Advocate, sr.48206

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