

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2015

CORAM

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.38540 of 2015 &
M.P.No.1 of 2015

C.Sivasankaran Pillai

[PETITIONER]

Vs

- 1 The Secretary to Government of Tamilnadu
Department of Co-operative &
Housing Development
Fort St. George, Chennai.
- 2 The District Collector
Hosur Taluk, Krishnagiri District.
- 3 The Registrar
Co-operative Society (Housing Board)
TN-HB Building, 2nd Floor
NO.493 Anna Salai, Nandanam, Chennai
- 4 The Deputy Registrar (Housing)
Vellore Region
No.15 1st Main Road
Gandhi Nagar, Vellore-632 006
- 5 The Commissioner
Hosur Municipality
Hosur Taluk, Krishnagiri District.
- 6 Haritha Employees Co-operative
House Building Society Ltd
No.NA HSG 24, TVS Nagar,
Hosur, Krishnagiri District.
- 7 The President
TVS Nagar Welfare Association
Thali Road, Hosur Taluk,
Krishnagiri District.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third Respondent to consider the representation of the petitioner dated 09/10/2014 and 02/11/2015 regarding collection of excess water charges and sewage charges and to regularize the same.

For Petitioner .. Mr.S.Silambu Selvan

For Respondents .. Mr.R.Vijayakumar - R1, R2 & R5
Addl.Govt.Pleader

Mrs.T.P.Savitha, R3 & R4
Govt. Advocate

O R D E R

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.S.Silanmbu Selvan, learned Counsel appearing for the petitioner, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1, 2 & 5 and Mrs.T.P.Savitha, learned Government Advocate appearing for the respondents 3 & 4.

3. The petitioner is a former employee of the TVS Groups, Hosur, Krishnagiri District. It appears that the 6th respondent Society was formed for the development of independent houses primarily for the members of the TVS Groups employees. The petitioner is a purchaser of a plot bearing Plot No.A-33, TVS Nagar, Hosur, Krishnagiri District, measuring an extent of 1480 sq.ft. It is the admitted case of the petitioner that he also a member of the 7th respondent Welfare Association, who is said to have entered into a Memorandum of Understanding in 2013 with the 6th respondent Society. The petitioner would further state that unilaterally the maintenance charges have been increased and the same is illegal. In this regard, the petitioner submitted representations to the official respondents viz. respondents 1 to 5 and states that those representations have not been considered since 2014 and alleging that the 7th respondent is collecting excess water charges, the petitioner now seeks for a direction to the third respondent/ Registrar of the Housing Societies to take action on his representations.

4. As noticed above, the dispute is between the petitioner and the 7th respondent/ Welfare Association and the dispute cannot be strictly brought within the purview of the jurisdiction of the respondents 3 & 4. There is no allegation against that the fifth respondent is interfering with the water supply. Therefore, the petitioner has to necessarily agitate the grievance as against the seventh respondent before the appropriate forum and if according to the petitioner, the Memorandum of Understanding dated 11.11.2013

entered between the respondents 6 & 7 is illegal, then the same has to be questioned in the manner known to law before the appropriate forum. Therefore, the relief sought for in this Writ Petition cannot be granted.

5. The learned counsel for the petitioner pleads that the residents are suffering on account of illegal attempt to stop the water supply. In this regard, the petitioner is given liberty to move the appropriate forum and if any excess charges than what was authorised by the Government/Municipality is collected, the petitioner is at liberty to file a fresh representation before the fifth respondent, who shall consider the same on merits and in accordance with law.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

rpa

Sd/-

Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary to Government of Tamilnadu
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5 The Commissioner
Hosur Municipality
Hosur Taluk, Krishnagiri District.

+1 C.C. To MR.S.Silambu Selvam, Advocate in SR.NO.65579

+1 C.C. To M/s.T.P.Savitha, Advocate in SR.NO.65905

+1 C.C. To The Government Pleader in SR.NO.65954

W.P.No.38540 of 2015

TM(CO)
sd : 15/12/2015



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