

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

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

W.P.No.38879 of 2015

The Ashok Leyland  
Employees Cooperative House Construction  
Society Ltd Rep by President  
Ennore, Chennai - 600 057

[ PETITIONER ]

Vs

- 1 The Registrar of Cooperative Societies (Housing)  
Tamilnadu House Board Complex  
Nandanam, Chennai - 600 035
- 2 The Deputy Registrar of Cooperative Societies (Housing)  
Vedachalam Nagar  
Chengalpattu Post & Taluk.
- 3 The Nanganallur Cooperative  
Housing Society Ltd rep by President  
No.12 First Main Road,  
Nanganallur,  
Chennai - 600 061.

[ RESPONDENTS ]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the directing the Second Respondent to dispose of the arbitration claim dated 17.02.2014 and the Petitioner's for attachment before Judgment dated 19.09.2014 filed by the Petitioner before a date to be specified by this Hon'ble Court.

For Petitioner .. Mr.P.Anbarasan

For Respondents.. Mr.L.P.Shanmuga Sundaram -R1 & R2  
Spl.Govt.Pleader

Mr.EMS.Natarajan,-R3  
Government 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.P.Anbarasan, learned Counsel appearing for the petitioner and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader who accepted notice on behalf of the respondents 1 & 2 and Mr.EMS.Natarajan, learned Government Advocate, who accepted notice for the third respondent.

3. The petitioner is a Co-operative Society and they have approached this Court to direct the second respondent to implement the order and direction issued by the first respondent dated 08.04.2015.

4. It is stated that the first respondent who is the Head of the Department has passed an order on 08.04.2015, directing the second respondent to dispose of the Arbitration Petition filed by the petitioner Society, within a period of thirty days. Thereafter the petitioner society has also sent representations on 25.09.2015 and 06.11.2015. However, till date no steps have been taken by the second respondent to comply with the direction issued by the first respondent. At this juncture it would be beneficial to extract the direction issued by the first respondent in his order dated 08.04.2015 :

"Order:-

The revision petition has been filed by the petitioner for the repayment the Principal and interest on the F.D deposited by the society in the 1st respondent society. The petitioner society had filed an arbitration petition before the Deputy Registrar (Housing) Chengalpet for the recovery of the same which remains pending. Further that the respondent society had also filed arbitration petition before Deputy Registrar (Housing) Chengalpet for the recovery of surcharge amount due to the society which also remains undisposed. It is also observed that the respondent society is willing to pay back the Fixed Deposit amount deposited by the petitioner society.

In view of the financial constraint explained by both the societies, the Deputy Registrar (Housing) Chengalpet is directed to dispose off the arbitration petitions filed by both the petitioner society and the respondent society with 30 days from the date of receipt of this order."

5. The second respondent being a subordinate to the first respondent, is bound to comply with the direction issued by the first respondent. Therefore, the second respondent is directed to comply with the order and direction issued by the first respondent dated 08.04.2015 and pass appropriate arbitration proceedings, within a period of three weeks from the date of receipt of a copy of this order. No costs.

rpa

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Registrar of Cooperative Societies (Housing)  
Tamilnadu House Board Complex  
Nandanam Chennai - 600 035
- 2 The Deputy Registrar of Cooperative Societies (Housing)  
Vedachalam Nagar  
Chengalpattu Post & Taluk.
- 3 The Nanganallur Cooperative  
Housing Society Ltd rep by President  
No.12 First Main Road,  
Nanganallur, Chennai - 600 061.

+1 C.C. To MR.P.Anbarasu, Advocate in SR.NO.66281

सत्यमेव जयते

W.P.No.38879 of 2015

TM(CO)

sd : 28/12/2015

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