

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:05.03.2015

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.6096 of 2015

1 S.Padmapriya

[Petitioners]

2 R.Srikanth

Vs

1 C.A.Gopalakrishnan

2 The Secretary
(Previously Special Officer)
Periyar Nagar Govt. Servants Cooperative
House Site Distribution Society
Periyar Nagar Chennai- 82.

3 The Deputy Registrar of
Co-operative Societies (Housing)
T.Nagar, Chennai-17.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the 3rd Respondent herein to dispose of ARC No.101 / 86-87 on his file within a time frame.

For Petitioners : Mr.V.Srinivasan

For Respondents : Mr.R.Balaramesh (R2&3)

ORDER

The petitioners have filed the above writ petition to issue a writ of mandamus directing the 3rd respondent to dispose of ARC No.101/ 86-87, within a stipulated time.

2. It is the case of the petitioners that the case in ARC No.101/ 86-87 was decided in favour of the 1st respondent, which was taken on appeal to the Special Tribunal for Co-operative Society Cases, Chennai (Chief Judge, Court of Small Cases) in Co.Op.Appeal No.14 of 2002 by the petitioners' mother on the demise of the

petitioner's father. The said appeal was allowed and the matter was remitted back to the 3rd respondent for fresh disposal by order dated 20.04.2014. Thereafter, the 3rd respondent passed an award in favour of the petitioners mother, against which Co.Op.Appeal No.19 of 2005 was preferred by the 1st respondent herein. The said appeal was allowed by the Tribunal by remitting the matter back to the 3rd respondent for fresh disposal, within two months by order dated 04.04.2007. According to the petitioners, the 3rd respondent has not yet decided the matter, even after a lapse of 7 years. In these circumstances, the petitioners have filed the above writ petition to direct the 3rd respondent to dispose of the case within a stipulated time.

3. Mr.R.Balaramesh, learned counsel who takes notice for the 2nd and 3rd respondents submitted that the 3rd respondent may be directed to dispose of the case within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the 3rd respondent to dispose of the case in ARC No.101 / 86-87, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above observation, the writ petition is disposed of . No costs.

-s/d-

Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

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To

1 The Secretary
(Previously Special Officer)
Periyar Nagar Govt. Servants Cooperate
House Site Distribution Society
Periyar Nagar Chennai- 82.

2 The Deputy Registrar of
Co-operative Societies (Housing)
T.Nagar, Chennai-17.

+1 cc to B.V.Srinivasan Advocate sr.12114

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