

IN THE HIGH COURT OF JUDICATURE AT MADRAS

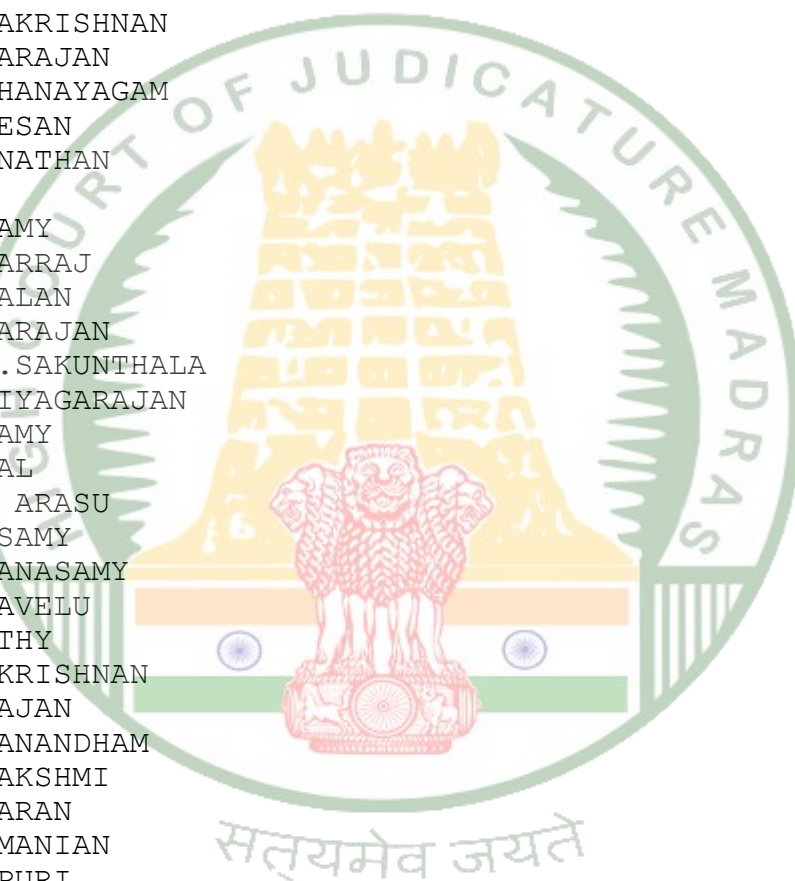
DATED : 11.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.24649 of 2007

1 M.GOPALAKRISHNAN
2 P.KANAGARAJAN
3 A.MARUDHANAYAGAM
4 C.MURUGESAN
5 T.ULAGANATHAN
6 R.GOPI
7 S.RAMASAMY
8 A.SOUNDARRAJ
9 D.R.DAYALAN
10 S.THIAGARAJAN
11 TMT.T.C.SAKUNTHALA
12 P.G. THIYAGARAJAN
13 S.RAMASAMY
14 T.PERUMAL
15 K.EZHIL ARASU
16 S.KUMARSAMY
17 N.NARAYANASAMY
18 K.RATHNAVELU
19 K.UMAPATHY
20 K.MUTHUKRISHNAN
21 P.NATARAJAN
22 S.SAGAJANANDHAM
23 TMT.C.LAKSHMI
24 N.MANOHRAN
25 S.SUBRAMANIAN
26 P.VAIYAPURI
27 TMT.K.S.RAJAMANI
28 R.KRISHNAMOORTHY
29 ERA.SYAM SUNDAR
30 R.RAMAN
31 T.RAM MOHAN
32 T.SRINIVASAN
33 R.V.NATHAN
34 M.GUNALAN
35 S.RAJAGOPAL
36 N.SUNDARARAJU
37 S.CHANDRAN



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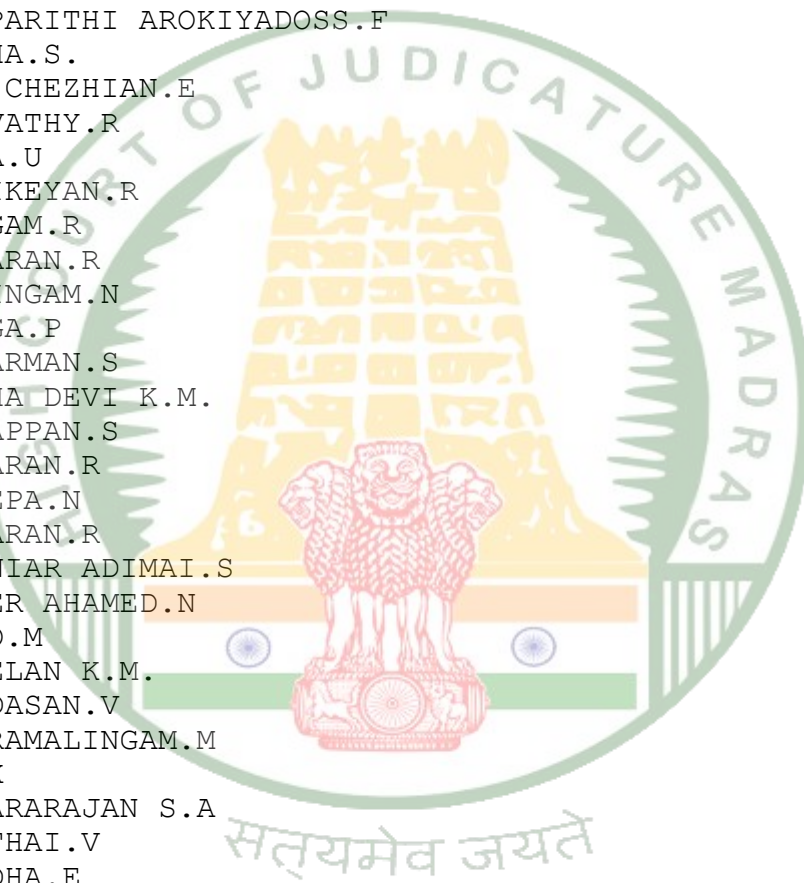
38 S.P.BALASUBRAMANIAN
39 D.SUDHAKAR
40 K.ARUL ARASAU
41 K.RAMESH
42 P.PADMAKUMAR
43 P.DEVAPIRAN
44 A.SUBRAMANIAM
45 N.SUBRAMANIAN
46 TMT.D.SELVI SAROJINI BAI
47 R.THANKAMONY
48 TMT.A.LEELA
49 A.RAMANATHAN
50 TMT.B.CHITHRA
51 U.VISWANATHAN
52 P.PURUSHOTHAMAN
53 D.SELVARAJ
54 K.KRISHNAN
55 N.RAMASAMY

.... Petitioners

-vs-

1. THE SECRETARY TO GOVT
HOUSING AND URBAN DEVELOPMENT DEPT.
FORT ST.GEORGE CHENNAI 9.
2. THE SECRETARY TO GOVERNMENT
REVENUE DEPT. FORT ST.GEORGE CHENNAI 9.
3. MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
NO.1 GANDHI IRWIN ROAD EGMORE CHENNAI 8.
4. THE REGISTRAR OF COOP.
SOCIETIES (HOUSING) NO.22 IV ST GANDHI
NAGAR CHENNAI 20.
5. THE DEPUTY REGISTRAR OF COOP.
SOCIETIES (HOUSING) NO.18 RAMANATHAN ST T.
NAGAR CHENNAI 17.
6. TAMILNADU SECRETARIAT
STAFF COOP. HOUSING SOCIETY REP BY SPECIAL
OFFICER SECRETARIAT CHENNAI 9.
7. UMAPATHY.R
8. TMT.CHANDRA BALU B
9. BABY WAAZ SABASTIAN
10. PANDIAN S.N.
11. RESHMI M.S.

12. DR.PRIYA MALINI
13. RAVI VARMA .R
14. MURUGANANDHAM.M
15. TMT.MEHALA
16. KUPPUSAMY. S
17. JALALUDEEN.A
18. JESUPATHAM.S
19. STEPHEN.Y
20. RAJESWARI.V
21. KIRTHIRAJ.D
22. JULIN JOSEPH CROSS
23. SIVA KUMARI.K
24. EZHUMPARITHI AROKIYADOSS.F
25. KAVITHA.S.
26. KALAI CHEZHIAN.E
27. PRABAVATHY.R
28. AMUTHA.U
29. KARTHIKEYAN.R
30. ARUMUGAM.R
31. MANOHARAN.R
32. RAMALINGAM.N
33. MALLIGA.P
34. RAJAVARMAN.S
35. SARADHA DEVI K.M.
36. ADHIYAPPAN.S
37. MANOHARAN.R
38. PRADEEPA.N
39. MANIMARAN.R
40. ANTHONIAR ADIMAI.S
41. BASHEER AHAMED.N
42. ELANGO.M
43. PARIVELAN K.M.
44. KANNADASAN.V
45. MUTHURAMALINGAM.M
46. RANI.K
47. SOUNDARARAJAN S.A
48. PONNUTHAI.V
49. NARMADHA.E
50. VINOTHAMANI.D
51. DURAI.A
52. RENUKADEVI.R
53. SUBBU LAKSHMI.G
54. HEMAVATHY K.V.
55. DINESH.E
56. THILAGAM.A
57. KALAVATHY B.K.
58. RANI.G
59. KALA.J
60. LAKSHMI NARAYANNAN.N



61. DR.R.BANUMATHI
62. NIKILA.B
63. JAMALUDDEN A.M.P.
64. SENTHIL KUMAR.B
65. PRATHIBARANI.S
66. ALEXANDER PETER
67. VENUGOPALAN P.S.
68. RAMESH.K
69. ANANDHAN.E
70. THIYAGARAJAN.K
71. ELANGO.M
72. KANNAN A.R.
73. SRIDHAR.R
74. JENEFER DHIVYA.J
75. SELVAM ABISHEKA NATHAN.J

Petition filed under Section 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 6 to cancel the allotment of places earmarked for public purpose schools and shops to the respondents 7 to 75 in survey Nos.404/2B and 404/2C in Okkiyam Thuraipakkam village Tambaram taluk Kancheepuram district and restore the same to the 6th respondent for utilising the same only for the purpose for which they were meant.

For Petitioner : Mr.M.Gopalakrishnan
(Party-in-person)
For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader for RR1 to 5
: Mr.A.R.Nixon for RR 57 and 62
: No appearance for RR 6 to 56, 58 to 61,
and 63 to 75.

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioners is that the lands earmarked for public purpose, schools and shops in S.Nos.404/2B and 404/2C in Okkiyam Thuraipakkam Village, Tambaram Taluk, Kancheepuram District, have been sold to private respondents 7 to 75 and the said land should be restored to the 6th respondent / Co-operative Housing Society for utilising the same only for the purpose for which it was meant.

2.The aforesaid is really a dispute between the members and in relation to the functioning of the Society, i.e. whether it has acted beyond its Memorandum and Articles. In this situation, the 4th respondent / Registrar is stated to be the Competent Officer to decide this issue in view of Section 90 of the Tamil Nadu Co-operative Societies Act, 1983.

3.We, thus, call upon the fourth respondent to look into the matter and exercise the power under the said Act and take a decision by passing a speaking order, after notice to all concerned, within six months of receipt of this order.

4.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1. THE SECRETARY TO GOVT
HOUSING AND URBAN DEVELOPMENT DEPT.
FORT ST. GEORGE CHENNAI 9.
2. THE SECRETARY TO GOVERNMENT
REVENUE DEPT. FORT ST.GEORGE CHENNAI 9.
3. MEMBER SECRETARY
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
NO.1 GANDHI IRWIN ROAD EGMORE CHENNAI 8.
4. THE REGISTRAR OF COOP.
SOCIETIES (HOUSING) NO.22 IV ST GANDHI
NAGAR CHENNAI 20.
5. THE DEPUTY REGISTRAR OF COOP.
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NAGAR CHENNAI 17.
6. TAMILNADU SECRETARIAT
STAFF COOP. HOUSING SOCIETY REP BY SPECIAL
OFFICER SECRETARIAT CHENNAI 9.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.13996
+1cc to Mr.Dr.Anitha Sumanth, Advocate, S.R.No.13824
+1cc to Mr.K.Arjunan, Advocate, S.R.No.13948
+1cc to the Government Pleader, S.R.No.13851

W.P.No.24649 of 2007

KK(CO)
CA(19/03/2015)