

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM

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

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.402 of 2008

and

M.P.No.1 of 2008

- 1.P.Perumalsamy
- 2.N.Rakkiannan
- 3.R.Senthilvel
- 4.S.Ponnusami
- 5.R.Selvaraj
- 6.R.Singaravelu

.. Petitioners

-vs-

- 1.The State of Tamilnadu,
rep. by the Secretary,
Co-operation, Food & Consumer Protection Dept.,
Fort St. George,
Chennai-9.
- 2.The Registrar,
Co-operative Societies (Housing),
College Road,
Chennai.
- 3.The Deputy Registrar,
Co-operative Societies (Housing),
Salem.
- 4.The District Collector,
Erode District, Erode.
- 5.The Executive Officer,
Kollappalur Town Panchayat,
Gobi Taluk,
Erode District.
- 6.The Managing Director,
T.N. State Transport Corporation Ltd.,
Kovai Circle II,
Sennimalai Road,
Erode.

7.The Special Officer,
T.N. State Transport Corporation
Employees C-operative House Building Society Ltd.,
No.SLM HSG, 63, Sennimalai Road,
Erode - 638 001. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to provide Transport Township, Kolappalur, Gobi Taluk, Erode District with basic amenities like roads, water, street lights, drainage etc. forthwith pursuant to the representations of the residents of the Township, the last of which was dated 14.11.2007.

For Petitioner : Mrs.Hema Sampath
Senior Counsel for
M/s.R.Meenal

For Respondents : Mr.V.R.Kamalanathan
Addl. Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1 to R5

Mr.T.Chandrasekaran for R6

Mr.R.Marudhachalamurthy
for R7

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ORDER

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

The Tamil Nadu State Transport Corporation Limited, Kovai Circle II/respondent No.6, in order to fulfil its social obligations, envisaged funding assistance to their Society created for providing housing to its employees. Some disputes had arisen as to the financial responsibility of respondent No.6 qua various facilities to be provided, for which charges were sought by Kollappalur Town Panchayat/respondent No.5.

2. We are informed that most of the issues have been ironed out and the only question is of providing drainage facility.

3. In respect of the aforesaid, our attention has been drawn to the communication dated 27.01.1980 of the Transport Department undertaking to bear the increased percentage of cost for welfare amenities. The relevant portion of the

communication reads as under:-

"I am directed to invite attention to the letter cited in which you have requested the orders of Government for raising of Welfare amenities charges on the total project cost. In this connection, I am to state that at the meeting held on 20.10.87 under the Chairmanship of M(T) with the certain Managing Directors of State Transport Undertakings, it was decided that the present ceiling of 5% fixed for the development charges borne by State Transport Undertakings on the project cost can be increased to 9% of the Project cost excluding the cost of land."

4. The aforesaid obligation is not something which is disputed by the learned counsel for respondent No.6, but he states that in furtherance of the same qua the drainage facility, 25% of the amount claimed by the Panchayat was sought to be deposited pursuant to the interim orders of this Court dated 07.08.2012. However, respondent No.5 refused to receive the amount, as it was only part of the amount and not the full amount being claimed.

5. Much water has flowed since then. It is agreed now that the obligation of respondent No.6 is restricted to this 9% amount and whatever be the balance amount not deposited by respondent No.6 towards the welfare amenities from this 9%, shall be deposited with respondent No.5 within a period of one month from today. Respondent No.5 will thereafter intimate the total cost of providing drainage to the Society/respondent No.7 giving details, minus the amount deposited by respondent No.6. This amount in turn will be deposited by the Society/respondent No.7 out of the funds lying with it and the deficit amount will be contributed by the members of the Society, to which the learned counsel for the petitioner agrees. The amount be intimated by respondent No.5 within four weeks of the receipt of the amount from respondent No.6. Thereafter, it is for the Society and its members to act.

6. The writ petition is closed in the aforesaid terms. No costs. Consequently, M.P.No.1 of 2008 is also closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Co-operation, Food & Consumer Protection Dept.,
Fort St. George, Chennai-9.
- 2.The Registrar,
Co-operative Societies (Housing),
College Road, Chennai.
- 3.The Deputy Registrar,
Co-operative Societies (Housing),
Salem.
- 4.The District Collector,
Erode District, Erode.
- 5.The Executive Officer,
Kollappalur Town Panchayat,
Gobi Taluk, Erode District.
- 6.The Managing Director,
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- 7.The Special Officer,
T.N. State Transport Corporation
Employees C-operative House Building Society Ltd.,
No.SLM HSG, 63, Sennimalai Road,
Erode - 638 001.

- 1 cc to Mrs.R.Meenal, Advocate, sr.30965
1 cc to Mr.T.Chandrasekaran, Advocate, sr.30589
1 cc to Mr.M.Guruprasad, Advocate, sr.31464
1 cc to Government Pleader, sr.30948

W.P.No.402 of 2008

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