

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.39481 of 2015 &
M.P.Nos.1 & 2 of 2015

G.Arumugam

[PETITIONER]

Vs

- 1 The Registrar of Co-Operative Societies
E.V.R. High Road
N.V.Natarajan Maaligai
Kilpauk, Chennai-600 010.
- 2 The Deputy Registrar of
Co-Operative Societies (Housing)
Chengalpattu Region, Chengalpattu.
- 3 The President
A.U. - M.I.T. Employees Co-Operative House
Building Society Ltd.
MIT Campus Anna University
Chrompet, Chennai-600 044.
- 4 The Sub-Registrar
Registration Department
Guduvancherry, Kancheepuram District.[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the third respondent to issue allotment order to the petitioner allotting a house site measuring 4800 square feet in the layout formulated in the land to the extent of 9.14 acres in Survey Nos. 57/3 69/3 68/1 63/4 59/1 59/5 69/1 63/6 69/4 69/5 95 98/4 124/3 124/1 119/15 119/5 97 and 98/4B situated at Athanancheri Village, Padappai Panchayat, Kundrathur Panchayat Union, Sriperumbuthur Taluk, Kancheepuram District in view of the payment of Rs.60 000/- received by the third respondent on 02.06.2007.

For Petitioner : Mr.C.Munusamy

For Respondents :Mr.L.P.Shanmuga Sundaram - R1 to R3
Spl.Govt. Pleader

Mr.S.Diwakar - R4

O R D E R

Heard Mr.C.Munusamy, learned Counsel appearing for the petitioner, Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader who accepts notice for the respondents 1 to 3 and Mr.S.Diwakar, learned counsel for the fourth respondent and with their consent the Writ Petition is taken up for final disposal.

2.The petitioner claims to be a member of the third respondent Society has filed this Writ Petition, praying for a direction to the respondents 1 to 3 to allot a plot in the lay out promoted by the Society, as he has paid a sum of Rs.60,000/- as early as on 02.06.2007.

3.The learned counsel for the petitioner has produced before this Court the copy of the proceedings of the Vice President of the Society dated 23.09.1998, showing the details of the remittances which have to be made by the petitioner and receipt dated 02.06.2007 for payment of Rs.60,000/-

4.However, it is not clear as to whether the said amount has been remitted towards the plot cost, since the receipt does not specifically state that the said remittance was towards the plot cost. Since there is a dispute /controversy as regards the remittances made by the petitioner, this is a fit case where the second respondent should verify the entire facts and ascertain the remittance made by the petitioner and if such remittance had been made towards the cost of the Plot, the second respondent should pass appropriate orders to enable the petitioner to secure the benefit of allotment of a plot. The above direction shall be complied with by the second respondent, within a period of eight weeks, after notice to the petitioner and the third respondent. It is needless to mention that the petitioner should produce original receipt to justify his stand before the second respondent.

The Writ Petition is disposed of with the above observations. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

To

- 1 The Registrar of Co-Operative Societies
E.V.R. High Road
N.V.Natarajan Maaligai
Kilpauk, Chennai-600 010.
- 2 The Deputy Registrar of
Co-Operative Societies (Housing)
Chengalpattu Region, Chengalpattu.
- 3 The President
A.U. - M.I.T. Employees Co-Operative House
Building Society Ltd.
MIT Campus Anna University
Chrompet, Chennai-600 044.
- 4 The Sub-Registrar
Registration Department
Guduvancherry, Kancheepuram District.

+1 cc to Mr.C.Munusamy Advocate sr.1028
+1 cc to Government Pleader sr.67835

WEB COPY

W.P. No.39481 of 2015

ctk(co)
aa20/01/2016