

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.33154 of 2016 &
W.M.P.No.28672 of 2016

Dr.N.Velu

... 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-44.
 - 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 2400 square feet in the layout formulated in the land to the extent of 9.14 acres in various 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, Sriperumbuthur, Kancheepuram District or in any other layout in view of the payment of Rs.30,000/- received by the third respondent on 19.02.1999.

For Petitioners : Ms.R.Poornima

For Respondents : Mr.L.P.Shanmuga Sundaram
Spl.Govt. Pleader for - R1, R2 & R4

Mrs.T.Girija
Government Advocate for R3

O R D E R

Heard Ms.R.Poornima, learned Counsel appearing for the petitioner, Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader, accepting notice on behalf of the respondents 1, 2 and 4 and Ms.T.Girija, learned Government Advocate, accepting notice on behalf of the third respondent and with their consent the Writ Petition itself is taken up for disposal.

2.The petitioner claims to be a member of the third respondent Union, 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.30,000/- as early as on 19.02.1999.

3.The learned counsel for the petitioner has produced before this Court a copy of the challan, dated 19.02.1999 for a sum of Rs.30,000/- evidencing the payment made by the petitioner.

4.However, it is not clear that the said amount has been remitted towards the plot cost, since the receipt does not specifically state that the said remittances were 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 remittances made by the petitioner and if such remittances have 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 receipts to justify his position before the second respondent.

5. The Writ Petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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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-44.
- 4 The Sub-Registrar,
Registration Department,
Guduvancherry, Kancheepuram District.

+1cc to Mr.R.Poornima, Advocate sr.54254
+1cc to the Government Pleader Sr.54230

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srg 17/10/2016