

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.12574 of 2014 and

MP.No.2 of 2014

S.Vasanthakumari ..Petitioner
Vs.

1. The Registrar of Cooperative
Societies (Housing),
T.Nagar,
Chennai-17

2. The President,
T.N.Secretariat Staff Cooperative
Housing Society Ltd.,
Plot.No.67, Upstairs,
Secretariat Colony,
Chennai-97

3. The Secretary to Government,
Industries Department,
Fort St.George,
Chennai-9

...Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the second respondent in connection with the impugned order passed by him in Proceedings No.P/2014/2 dated 17.03.2014 and quash the same.

For Petitioner :Mr.M.Muthappan

For Respondents : Mr.V.Selvaraj, Additional
Government Pleader for R1 & R3

: Mr.R.Bala Ramesh for R2

ORDER:

According to the petitioner, being a member of the T.N.Secretariat Staff Cooperative Housing Society Limited, the petitioner was allotted a plot by the said society in the year 2002. For that, the petitioner paid a sum of Rs.40,600/-. After waiting for allotment of plot, the petitioner got permission from the Secretary to the Government to purchase a flat in Chennai on 18.09.2003. While being so, the petitioner received a charge memo stating that the petitioner has furnished false information in application No.702 and obtained Plot No.102 under T.N.Secretariat Cooperative Housing Scheme as against the conditions laid down in Government Order dated 09.03.1999. An enquiry was conducted in this aspect. Now, the petitioner has received a show cause notice from the second respondent. Though the petitioner replied for the same, the order canceling the allotment of Plot No.102 has been issued by the second respondent. Challenging the order dated 17.03.2014, the petitioner has filed the present writ petition before this Court.

2. The second respondent has filed counter affidavit stating that the present writ petition is not maintainable in the light of the Full Bench Judgment of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. The learned Additional Government Pleader would submit that the petitioner having an efficacious alternative remedy under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 should approach the authority concerned to file a revision instead of approaching this Court. Hence, the writ petition is liable to be dismissed as not maintainable.

3. In view of the above submissions made by the learned Additional Government Pleader and in the light of the Full Bench Judgment of this Court cited supra, the writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to file a revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the authority concerned within a period of four weeks from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed. No costs.

4. Till such period, no coercive steps shall be taken by the respondents.

5. The Registry is directed to return the original impugned order to the petitioner after obtaining a copy of the same.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Registrar of Cooperative Societies(Housing),
T.Nagar, Chennai-17
2. The President,
T.N.Secretariat Staff Cooperative
Housing Society Ltd.,
Plot.No.67, Upstairs,
Secretariat Colony, Chennai-97.
3. The Secretary to Government,
Industries Department,
Fort St.George, Chennai-9.

+1cc to Mr.Muthappan Advocate SR.No.66708

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SDR 23.11.2017

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