

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.22895 of 2017

and

W.P.M.P.No.24058 of 2017

Shinu.V.Thomas .. Petitioner

vs.

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010.
2. The Joint Registrar of Co-operative Societies,
Nilgiris Region,
Udhagamandalam(PO)
3. The Deputy Registrar of Co-operative Societies,
Udhagamandalam (PO)
4. The President,
Cherambadi Primary Agricultural
Co-operative Credit Society Ltd.,
Cherambadi (Po)
Nilgiris District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents in general and the second respondent in particular to consider and pass orders on the proposals dated 07.09.2014 and the representation dated 28.07.2017 of the petitioner in accordance with law, after giving opportunity to the petitioner before a specified date.

For Petitioner
For Respondents

: Mr.P.Anbarasan
: Ms. T.Girija,
Government Advocate for R1 & R2

ORDER

This writ petition has been filed for a limited scope of prayer, directing the 2nd respondent to consider and pass orders on the proposals dated 07.09.2014 and the representation dated 28.07.2017 of the petitioner in accordance with law, after giving opportunity to him before a specified date.

2. The learned counsel for the petitioner submitted that the petitioner's grandfather (late) T.J. Varghese, obtained loan from the society. Since he committed default in repayment of loan, his grandfather's property was attached and notified for sale. Since there was no successful bidder, the society itself purchased the subject property. According to the petitioner, the sale proceedings were carried out without notice to the legal heirs of his grandfather (Late) T.J. Varghese. Subsequently, the legal heirs of the deceased claimed reconveyance of the subject property and gave their consent in the name of the petitioner. Hence, the petitioner again submitted a fresh proposal to the respondents on 07.09.2014 for re-convey of the property with all necessary particulars. In spite of his repeated requests, the respondents did not respond to the plea of the petitioner. Hence, he again submitted a representation on 28.07.2017. Due to the inaction of the respondents, the petitioner has approached this Court seeking the aforesaid direction.

3. When the matter was taken up today, the learned Government submitted that she has not received any instructions from the 2nd respondent. However, in view of the limited scope of the prayer, she conceded that the same may be considered, with liberty to the respondents to pass orders on merits, including the latches of the representation.

4. Considering the submissions made by the learned counsel for both the parties, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to consider the petitioner's petition dated 07.09.2014 and subsequent representation dated 28.07.2017, on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.

5. The writ petition is disposed of, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Deputy Registrar (CS)

/TRUE COPY/

Sub Assistant Registrar

avr
To

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010.
2. The Joint Registrar of Co-operative Societies,
Nilgiris Region,
Udhagamandalam (PO)
3. The Deputy Registrar of Co-operative Societies,
Udhagamandalam (PO)
4. The President,
Cherambadi Primary Agricultural
Co-operative Credit Society Ltd.,
Cherambadi (Po)
Nilgiris District.

1CC TO MR P. ANBARASAN ADVOCATE SR.NO. 63893
1CC TO THE GOVT PLEADER SR.NO. 64534

सत्यमेव जयते

W.P.No.22895 of 2017
and
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DM 17/11/2017

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