

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2017

Coram

The Hon'ble Mr. Justice D. Krishnakumar

W.P.No. 6285 of 2010

and

W.M.P.No. 2 of 2010

Mrs.V.Poongothai

...Petitioner

Versus

1. The Deputy Registrar of Co-operative
Society (Housing)
Chennai Region,
Chennai-600 017.

2. The Special Officer,
The Simpson Co-operative Building
Society Ltd., X-391,
No.89, C.P.Adhithanar Salai,
Pudupet, Chennai-600 002.

3. The Secretary,
The Simpson Co-operative Building
Society Ltd., X-391,
No.89, C.P.Adhithanar Salai,
Pudupet, Chennai-600 002.

4. Smt.S.Tharabai

...Respondents

Writ Petition filed under Article 226 of The
Constitution of India praying for issuance of a writ of
certiorari, calling for the records of the first respondent
leading to the order of the first respondent in case No.1636/08
to 1641/08, dated 20.11.2009 and quash the same.

For petitioner : Mr. K.Ramu

For respondents: Mr. V. Selvaraj (for R1)
Additional Government Pleader

Mr. S. Sivashanmugam (for R2 and R3)

No Appearance (for R4)

O R D E R

The writ petition filed seeking to quash the order of the first respondent in case No.1636/08 to 1641/08, dated 20.11.2009.

2. The learned counsel appearing for the petitioner would submit that the petitioner applied for grant of two house sites, each of 2400 square feet, at Thalambur Village, Chengalpattu Taluk, Kancheepuram. After receiving the entire sum towards cost of two plots, the second respondent allotted the petitioner two plots viz., Plot No.673 and 674 and a sale deed was registered on 13.04.2006, in Document No.3390 of 2006. Subsequently, at the request of the fourth respondent, the first respondent issued an order under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, setting aside the sale deeds executed in favour of the petitioner and four others. Challenging the aforesaid impugned order, the petitioner has filed the present writ petition before this Court.

3. The learned Additional Government Pleader appearing for the first respondent would submit that pending writ petition, the society has allotted the plot in favour of the fourth respondent and the same was registered in Document No.212 of 2010 dated 19.01.2010. Therefore, in view of the above execution of sale deed, the impugned order is liable to be set aside.

4. The learned counsel appearing for the respondent society would submit that he has not got any instruction from the respondent society.

5. In the light of the submission made by the learned counsel appearing for the parties, the impugned order passed by the first respondent is set aside.

6. Accordingly, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrr

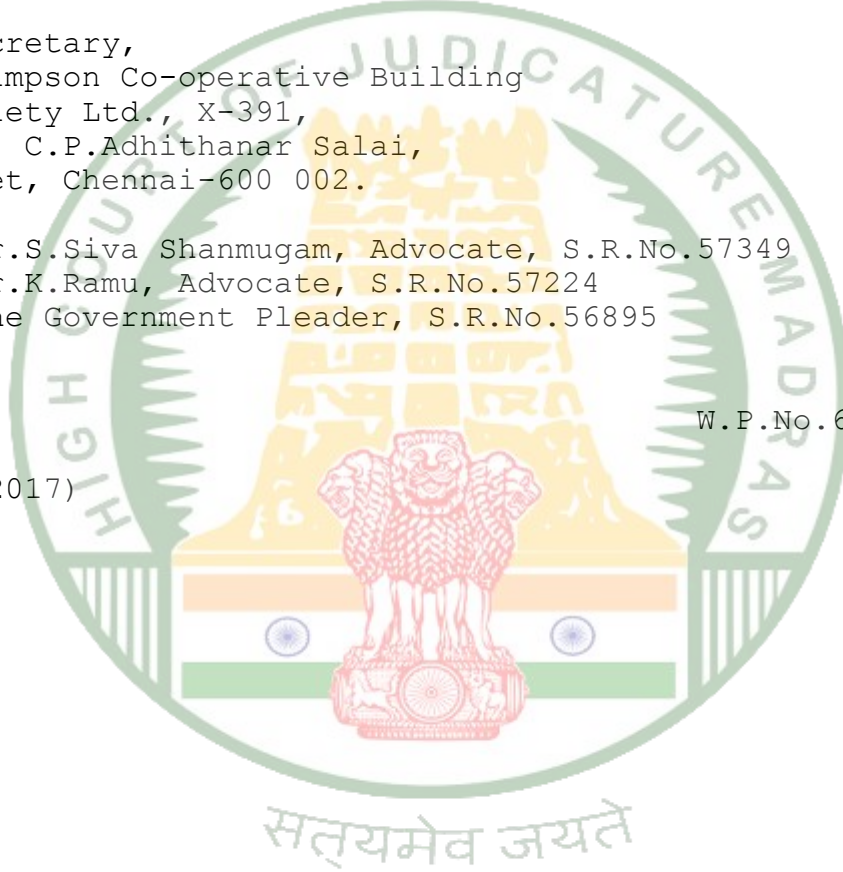
To

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+1cc to Mr.S.Siva Shanmugam, Advocate, S.R.No.57349
+1cc to Mr.K.Ramu, Advocate, S.R.No.57224
+1cc to the Government Pleader, S.R.No.56895

W.P.No.6285 of 2010

GP(CO)
GN(03/10/2017)



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