

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.14641 of 2017

S.Sagajanandham

.. Petitioner

Vs.

1. The Registrar of Co-operative Societies (Housing)
No.48, Ritherdon Road,
Vepery, Chennai 600 007
2. The Deputy Registrar of Co-operative (Housing)
Societies/Arbitrator,
Chennai Region,
No.18, Ramanathan Street,
Chennai 600 017
3. The President
Tamil Nadu Secretariat Staff Co-operate
Housing Society Ltd. (MDS/HSG/179),
Plot No.105 (II Floor), Secretariat Colony,
Okkiyam Thuraipakkam,
Chennai 600 097
4. S.Swamynathan
No.25, K.B.P.Subramaniam Apartments,
Antony Nagar, Kollathur,
Chennai 600 099.

.. Respondents

PRAYER:

Writ Petition is filed Under Article 226 of the Constitution of India, to issue writ of mandamus directing the 1st respondent to dispose of, after affording opportunities of hearing to all parties concerned, the Revision Petition dated 05.07.2016 pending before the 1st respondent having been preferred by the petitioner against the order of the 2nd respondent dated 30.05.2016 made in "ARC.No.137/2013-2014/Ke" on merit and in accordance with law within a time frame and consequentially forbear the 3rd respondent from proceeding with further pursuant to the said order of 2nd respondent dated 30.05.2016 made in "ARC.No.137/2013-2014/Ke" till the petitioner's Revision Petition dated 05.07.2016 is disposed of

by the 1st respondent.

For petitioner : Mr.K.G.Vipra Narayanan

For R1 & R2 : Mr.V.Selvaraj,
Additional Government Pleader

For R3 : Ms.T.Girija,
Government Advocate.

ORDER:

The petitioner has filed this Writ Petition to issue writ of mandamus directing the 1st respondent to dispose of, after affording opportunities of hearing to all parties concerned, the Revision Petition dated 05.07.2016 pending before the 1st respondent having been preferred by the petitioner against the order of the 2nd respondent dated 30.05.2016 made in "ARC.No.137/2013-2014/Ke" and consequentially forbear the 3rd respondent from proceeding with further pursuant to the said order of 2nd respondent dated 30.05.2016 made in "ARC.No.137/2013-2014/Ke" till the petitioner's Revision Petition dated 05.07.2016 is disposed of by the 1st respondent.

2. According to the petitioner, the petitioner, being a member of the Tamil Nadu Secretariat Staff Co-operative Housing Society, was allotted Plot No.436 in Okkiyam Thuraipakkam House Plot Scheme and the petitioner was waiting for an allotment letter as well as Sale Agreement. But, then President of the third respondent society, having personal vengeance cancelled the membership of the petitioner from the above society on 18.03.2004. The Special Officer of the third respondent sent a letter bearing No.ThA A.Ka.8/2007 dated 16.05.2007 stating that the petitioner was allotted the above said plot and due to the irregularities committed by the President of the respondent society, the petitioner is being suffered. The second respondent did not respond to the the said letter. The petitioner had given several representations to the 1st, 2nd and 3rd respondents. But, the petitioner had not received any communication in this regard. Hence, the petitioner filed ARC No.2378 of 10 before second respondent for adjudication. On 09.05.2011, an award has been passed by the Arbitrator/2nd respondent directing the third respondent society to peruse the records to confirm the payment effected by the petitioner towards land costs and the cancellation of the petitioner's membership is not in conformity with the provisions and the subject plot has not been re-allotted to any other member and to allot the subject plot to the petitioner on finding eligibility. But the matter is dragged on by the first

respondent. Then the petitioner filed a revision petition before first respondent on 05.07.2016 followed by reminder on 12.09.2016. But the petition has been kept idle. Hence, the petitioner has filed the Writ petition.

3. The learned counsel for the petitioner would submit that the petitioner aggrieved by the order passed by the second respondent dated 30.05.2016 in ARC No.137/2013-2014/Ke, has filed a revision petition before the first respondent on 05.07.2016 and also sent a reminder on 12.06.2016 and the said revision petition is still pending before the first respondent. Hence, the petitioner has filed the present Writ petition before this Court for the limited prayer to consider the petitioner's revision dated 05.07.2016 filed by the petitioner which is now pending before the first respondent within the time framed by this Court.

4. Mr.V.Selvaraj, Additional Government Pleader appearing for the respondents 1 and 2, and Mrs.T.Girija, Government Advocate appearing for the respondent No.3 would submit that the said application will be considered by the first respondent in accordance with law.

5. By considering the submissions made by the counsels for the parties, as the prayer in the Writ petition is only for limited scope, without going into the merits of this case, this court is inclined to direct the first respondent to consider the revision petition dated 05.07.2016 filed by the petitioner, on merits and in accordance with law and pass orders after providing opportunities to the parties concerned as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this Order.

6. The Writ petition is disposed of with above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

lok

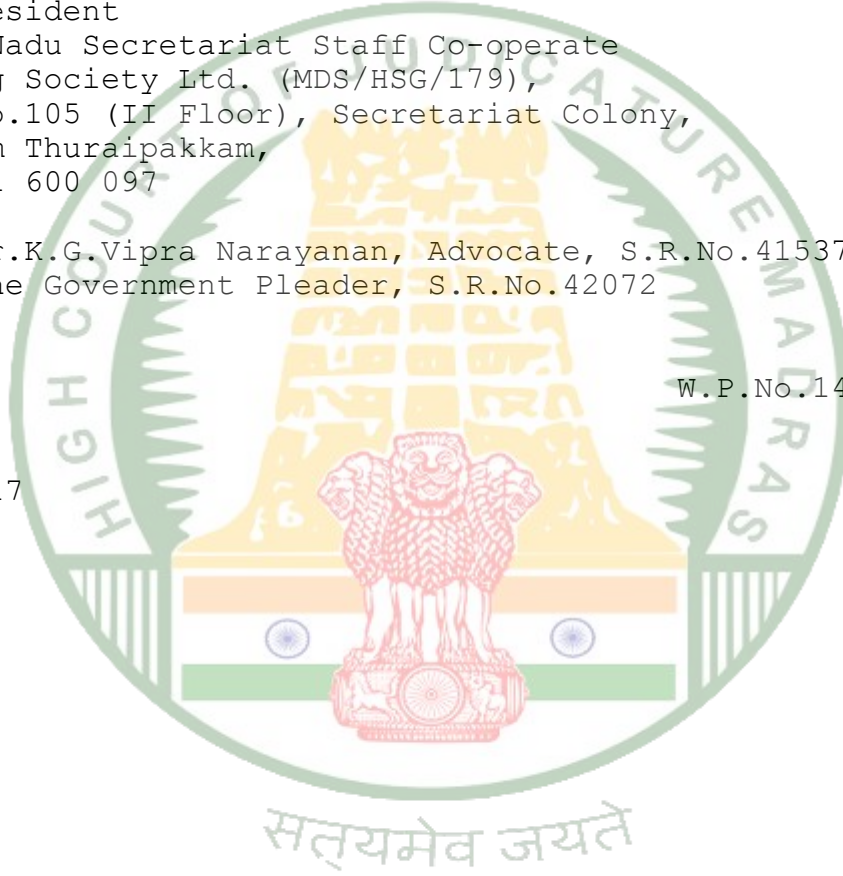
To

1. The Registrar of Co-operative Societies (Housing)
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Okkiyam Thuraipakkam,
Chennai 600 097

+1cc to Mr.K.G.Vipra Narayanan, Advocate, S.R.No.41537
+1cc to the Government Pleader, S.R.No.42072

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PPA(CO)
CS/03/07/17



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