

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.16892 of 2017 and
WMP No.18358 of 2017

Dr.N.Velu

..Petitioner

Vs.

1. The Registrar of
Cooperative Societies,
EVR High Road,
N.V.Natrajan Maaligai,
Kilpauk, Chennai-600 010.

2. The Deputy Registrar of Cooperative
Societies (Housing),
Chengalpattu Region,
Chengalpattu.

3. The President,
AU MIT Employee Cooperative House
Building Society Limited,
MIT Campus, Anna University,
Chrompet, Chennai-44

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records on the file of the second respondent in proceedings Na.Ka.821/2014E dated 21.12.2016 and quash the same and 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 numbers 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 at Athanancheri Village, Padappai Panchayat, Kundrathur, Sriperumbudur, 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 Petitioner : M/s.R.Poornima

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

ORDER:

According to the petitioner, working as a Lab Technician (SG) in Refrigeration & Air conditioning Division, Department of Mechanical Engineering, College of Engineering, Anna University, the petitioner became a member of the AU MIT Employee Cooperative House Building Society Limited. As per a scheme introduced by the said society, the petitioner paid a sum of Rs.30,000/- for allotment of a plot. The then President of the above society had assured that a plot would be allotted to the petitioner. But, even after several demands, no such allotment was made. In the recent years, some members like the petitioner have approached this Court for the above prayer and they have been allotted plots as per the direction of this Court in W.P.No.39481 of 2015. Further, under Right to Information Act, the particulars regarding status of the amount remitted by the petitioner in to a bank account was sought for, but the same was declined by Bank officials. Meanwhile, by the direction of this Court in W.P.No.39481 of 2015 filed by some other members, a proceedings was issued by the first respondent. Based on that, the second respondent issued proceedings in Na.Ka.821/2014 E dated 11.07.2016 to the third respondent to allot house site/plot to those members who had remitted amount. While, many of the members have been allotted plots, the third respondent society has denied the petitioner's request stating that the petitioner has not proved his membership with the society. Hence, the petitioner has filed this writ petition before this Court.

2. According to the learned counsel for the petitioner, though the petitioner has produced a xerox copy of the receipt issued for payment of membership amount, for the reason of not producing the same in original, the third respondent society has rejected the request saying that the petitioner is not a member of the society. Hence, the petitioner has filed this writ petition before this Court.

3. The learned Additional Government Pleader would submit that the petitioner is not a member of the society and is not entitled for the allotment of a plot. Hence, the writ petition is liable to be dismissed.

4. It is seen that the receipt produced by the petitioner in support of his contention, does not confirm the membership as is merely a payment receipt. Further, this court cannot go into the dispute. Hence, the writ petition is liable to be dismissed. However, for this disputed fact, the petitioner is given liberty to approach before the concerned authority under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983.

5. The writ petition is dismissed as not maintainable. However, liberty is granted to the petitioner to approach the concerned authority under Section 90 of the Act for the same relief. Consequently, connected miscellaneous petition is closed. No costs.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Cooperative Societies,
EVR High Road,
N.V.Natrajan Maaligai,
Kilpauk, Chennai-600 010.
2. The Deputy Registrar of Cooperative Societies (Housing),
Chengalpattu Region, Chengalpattu.

+ 1 cc to M/s. R. Poornima, Advocate Sr.54429

+ 2 ccs to M/s. C.P. Shanmuga Sundaram, Advocate Sr.54546, 51600

+ 1 cc to the Government Pleader SR.55748

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MP(CO)

EU 15.09.17

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