

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.17197 of 2017

A.Thirunavukkarasu

..Petitioner

Vs.

1. The Secretary to Government,
Tamilnadu Co-operative Society Dept.,
Fort St. George,
Chennai-600 009.
2. The Registrar of Societies (Housing)
Tamil Ritharton Salai,
Veperi,
Chennai-600 007.
3. The Deputy Registrar of Society (Housing)
Ramanathan Street,
T. Nagar,
Chennai-600 017.
4. The Secretary,
Gandhi Nagar Co-operative Society Ltd.,
No.22/75, 4th Main Road,
Gandhi Nagar, Adyar,
Chennai-600 020.

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 23.05.2017 to instruct the 4th respondent to register the document in favour of the petitioner to the extent of 46928 sq.ft comprising in T.S.No.1, Block No.33, 4th Main Road, Adyar, Chennai-600 020, as allotted by the 4th respondent on 27.04.1963.

For petitioner : Mr.P.Pandiyaraj
For respondents : Mr.V.Selvaraj, Additional
Government Pleader for R1 to R3

: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R4

ORDER

According to the learned counsel for the petitioner, the petitioner is a member of the Gandhi Nagar Cooperative Housing Society Limited. The petitioner was allotted a land to the extent of 46,928 Sq.ft comprising in T.S.No.1 Block No.33, 4th Main Road, Gandhi Nagar, Adyar, Chennai - 600 020. The fourth respondent had fixed the value of the above land as Rs.30,503/- at the time of issuance of allotment order. The petitioner initially paid a sum of Rs.4,503/- and subsequently the entire balance amount had been paid in instalments without any default. To this effect, the fourth respondent had issued a No Due Certificate dated 07.08.1985 to the petitioner stating that the entire amount for the said land had been paid by the petitioner. But, the fourth respondent had not taken any steps to register the above land in favour of the petitioner. For some reason, the petitioner also could not able to approach the fourth respondent to make representation in this regard. Hence, the process of registration of the said land had been stagnated for some years. Finally, the petitioner made a representation on 23.05.2017, on which also no action has been taken so far. Hence, the petitioner has filed this writ petition before this Court.

2. The learned Special Government Pleader appearing for the fourth respondent has admitted that the petitioner's representation dated 23.05.2017 is still pending with the concerned authority and the same shall be considered in accordance with law on merits subject to a direction from this Court.

3. In view of the facts of the case and submissions made by the learned Special Government Pleader, without going into the merits of the case, this court is inclined to direct the second respondent to consider the petitioner's representation dated 23.05.2017 and pass orders after providing an opportunity to the petitioner, 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.

4. The writ petition is disposed of with above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Tamilnadu Co-operative Society Dept.,
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Chennai-600 009.
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Chennai-600 020.

+1 cc to Mr.S.Periyasami Advocate sr 48532
+1 cc to Mr.L.P.Shanmugasundaram Advocate sr 49053
+1 cc to Government Pleader sr 49417

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gj(co)
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