

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.7.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.21202 of 2009
and M.P.No.1 of 2009

B.JO BRIGHT JAYAKIRUBA
15/192 PALACE ROAD,
THUCKALAY, KANYAKUMARI DISTRICT. .. PETITIONER

Vs.

1. THE GOVT. OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVT.,
CO-OPERATIVE FOOD & CONSUMER
PROTECTION DEPARTMENT,
SECRETARIAT CHENNAI-9.
2. THE REGISTRAR OF CO-OPERATIVE
SOCIETIES N.V.NATARAJAN MALIGAI 107
PERIYAR EVR HIGH ROAD KILPAUK CHENNAI-10.
3. THE SPECIAL OFFICER
THE GANTHI NAGAR CO-OPERATIVE HOUSING
SOCIETY LTD.,
XNC 494 NEW NO.22,
PUMPING STATION ROAD,
GANDHI NAGAR ADYAR, CHENNAI- 20. .. RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third Respondent to execute and Register the sale deed in favour of the Petitioner in respect of the approved Plot No.15 at Sholinganallur Co-operative Maha Nagar Annexe.

For Petitioner : Mr.S.K.Rakhunathan
For Respondents 1&2 : Mr.Ms.T.Girija, G.A.

O R D E R

The writ petition has been filed before this Court seeking direction to the third respondent Society to execute and register the sale deed in favour of the petitioner in respect of the approved plot No.15 at Sholinganallur Co-operative Mahanagar

Annexe. In support of his claim, the learned counsel for the petitioner relied on the judgment of this Court in R.Sharmilha and 3 others vs. The Special Officer, The Gandhi Nagar Cooperative Housing Society Ltd. (W.P.Nos.11519 to 11522 of 2007, etc., dated 26.9.2007) and submits that the petitioner is entitled for the relief as per the said judgment.

2 The learned Government Advocate submits that writ petition filed against the Co-operative Society is not maintainable in the light of the larger bench judgment of this Court in K.MARAPPAN VS. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETY, NAMAKKAL reported in 2006 (4) CTC 689.

3 In view of the above, the writ petition is dismissed. However, liberty is granted to the petitioner to approach the competent authority under Section 90 of the Tamilnadu Cooperative Societies Act within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

vaan

To

1. THE SECRETARY TO GOVT.,
GOVT. OF TAMIL NADU
CO-OPERATIVE FOOD & CONSUMER PROTECTION DEPT.,
SECRETARIAT CHENNAI-9.

+1 CC to Mr.S.K. Raghunathan, Advocate sr 52617.

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SP(10/08/2017)

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