



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.13545 of 2017

S.Ilangavan

... Petitioner

vs.

1.The Deputy Registrar,
Housing Co-operative Society,
No.15, Melur Main Road,
Opposite to Thirvalluvar Bus Depo,
K.K.Nagar, Madurai.

2.Rani Mangammal Transport Corporation,
Co-operative Housing Society,
MDA/HSG-112 Through its Secretary
Alamarathupatty, Alamarathupatty Post,
Athoor Taluk, Dindigul District.

3.Housing Development Finance Corporation,
No.29, Kamarajar Salai,
Near Circuit House, Coimbatore-641018.

4.Prabhu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to enquire into and dispose of the Dispute number 1 of 2015 pending to it is file, preferred by the writ petitioner, within a stipulate time preferably within a period of three months.

For Petitioner

: Mr.H.Lakshmi Shankar

For Respondents

: Mr.D.Muruganantham,

Additional Government Pleader

ORDER

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The petitioner has come to this Court seeking Writ of Mandamus directing the first respondent to enquire into and dispose of the Dispute number 1 of 2015 pending on their file, within a reasonable time.



3.The learned counsel appearing for the petitioner submitted that the petitioner was allotted a house in the housing scheme floated by the second respondent in the year 2002 and the third respondent, having sanctioned the loan facilities for housing scheme and after completion of the housing scheme, allotted a house in the year 2002 to the petitioner. Since the construction of the said house No.241 allotted to the petitioner is found to be of substandard one, the petitioner sought for allotment of another house. Since one Mr.Prabhu, who is the allottee of house No.30, did not follow up the process and abandoned the same, the said house was allotted again to the petitioner. Thereafter, the second respondent also started to deduct a sum of Rs.2,078.00, which is the EMI for the said house No.30 from the petitioner's salary. However, when there is a dispute arose, the petitioner initiated the proceedings before the first respondent in the year of 2015 and a counter affidavit has been filed by the petitioner to the petitioner's Arbitration petition No.1 of 2015 on the file of Deputy Registrar, Housing Cooperatives, Madurai. Even though, the pleadings are completed, the matter has not been taken up till date and as a result, the petitioner has been put to great hardship and in view of long delay in disposal of the pending dispute, the petitioner has not able to see the final report. Therefore, the petitioner is before this Court with this writ petition.

4.Mr.D.Muruganatham, learned Additional Government Pleader, takes notice for the respondents and sought sufficient time for disposal of the said dispute.

5. Since, a counter affidavit has been filed by the second respondent to the arbitration proceedings dated 29.12.2015 and one more counter affidavit filed in the month of November 2016 by the first respondent and rejoinder has also been filed by the petitioner, it is seen that no order has been passed by the first respondent.

6. In view of the above, the first respondent is directed to take up the matter and pass final orders expeditiously. It is made clear that if any of the parties in the arbitration proceedings unnecessarily drag on the matter, the first respondent is at liberty to proceed with the matter by passing appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of copy of this order.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar.



To

1. The Deputy Registrar,
Housing Co-operative Society,
No.15, Melur Main Road,
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K.K.Nagar, Madurai.

2. The Secretary Rani Mangammal Transport Corporation,
Co-operative Housing Society,
MDA/HSG-112 Alamarathupatty, Alamarathupatty Post,
Athoor Taluk, Dindigul District.

3. Housing Development Finance Corporation,
No.29, Kamarajar Salai,
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+1CC to Mr.H.Lakshmi Shankar, Advocate, SR.No. 66820
+1CC to the Special Government Pleader SR.No. 67637

W.P (MD) Nos.13545 of 2017

Mrn/RR

AM/KP/SAR 1/26.09.2017/3P/6C