

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15390 of 2018

M.Senthamil Selvi

.. Petitioner

Versus

- 1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
2. The Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.
3. The Registrar of Co-op. (Housing) Society,
Ritherton Road,
Vepery,
Chennai-600 007.
4. The President,
Tamil Nadu Secretariat Employees Co-op.
(Housing) Society,
Okkiam Thoraipakkam,
Chennai-600 097.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to pass appropriate orders on the representation submitted by the petitioner dated 15.2.2017 for relaxation of the condition of five years for construction of the house after the date of allotment in respect of petitioner's Plot No.415 in Okkiyam Thoraipakkam Housing Scheme.

For Petitioner : Mr.T.Ranganathan
For Respondents-1&2 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader.

For Respondents-3&4 : Mr.L.P.Shanmugasundaram,
Special Government Pleader (Co-op.)

ORDER

The relief sought for in this writ petition is for a direction to direct the first respondent to pass appropriate orders on the representation submitted by the writ petitioner on 15.2.2017 for relaxation of condition of five years for construction of the house after the date of allotment in respect of the plot allotted to the writ petitioner in Plot No.415, Okkiyam Thoraipakkam Housing Scheme.

2. The learned counsel appearing on behalf of the writ petitioner, made a submission that the writ petitioner had been allotted with a Plot in Plot No.415, Okkiyam Thoraipakkam Housing Scheme and subsequently based on a false complaint, disciplinary authorities were initiated against the writ petitioner on the ground that already she got allotment of plot in some other Society at Madambakkam.

3. Thus, the allegation against the writ petitioner was that by suppressing the fact that she had obtained an allotment of plot in Madambakkam, once again she got allotment under the Okkiyam Thoraipakkam Housing Scheme. Disciplinary proceedings initiated against the writ petitioner was concluded and all the allegations and the charges were dropped.

4. The writ petitioner has been exonerated and based on that the writ petitioner made a representation to the first respondent to consider her case for construction of a house in the plot allotted to her in Okkiyam Thoraipakkam Housing Scheme and to execute the Sale Deed.

5. This Court is of an opinion that the Government has allotted the land to the Tamil Nadu Secretariat Employees Co-operative Housing Society and the said Society has to get proper permission and approval from the Competent Authorities and thereafter, allot the plot to its members. The employees of the Secretariat, Tamil Nadu Government, are eligible to become the members of the fourth respondent-Co-operative Society.

6. Accordingly, the writ petitioner also became a member of the fourth respondent-Society and got an allotment of a Housing Plot. However, she could not able to construct a house on account of the disciplinary proceedings pending against her.

7. Thus, the allotment of a Housing plot is within the purview of the fourth respondent-Society, which is registered under the provisions of the Tamil Nadu Co-operative Societies Act. The first respondent has no authority, at this point of time, in respect of the allotment of a plot or grant of relaxation of any condition, at this length of time.

8. Thus, the writ petitioner has to exhaust the remedies available under the provisions of the Tamil Nadu Co-operative Societies Act, more-specifically, the writ petitioner has to file a revision petition under Section 153 of the Act, before the third respondent in a prescribed format and by paying the necessary fees.

9. In this view of the matter, the writ petitioner is at liberty to file an appropriate revision petition under the provisions of the Tamil Nadu Co-operative Societies Act, before the third respondent, who in turn shall decide the matter by conducting an enquiry and by providing opportunity to all the parties concerned and pass orders on merits and in accordance with law.

10. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

Svn

To

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
2. The Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.
3. The Registrar of Co-op. (Housing) Society,
Ritherton Road,
Vepery,
Chennai-600 007.

+1 CC to The Govt. Pleader sr 40382.

W.P.No.15390 of 2018

SP(28/06/2018)