

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29319 of 2017

P.Santhakumari

..Petitioner

vs

1.The Deputy Registrar(Housing),
Chennai Region, Chennai
Office of the Registrar of
Co-operative Societies(Housing),
No.18, Ramanathan Street,
T.Nagar, Chennai - 600 017.

2.The Registrar of Co-operative Societies(Housing),
Tamil Nadu Housing Board,
Nandanam
Chennai - 600 035.

3.Food Corporation of India,
Employees Co-operative House building society ltd.,
Rep.by its President,
Mr.P.Krishna paramathma
FCI Zonal Office,
No.3, Haddows Road,
Chennai - 600 006.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate necessary action and conduct enquiry against 3rd respondent following the petitioner's complaint dated 22.06.2017 in Rc.No.4125/2017/SF1 dated 28.06.2017 on the file of the respondents 1 and 2.

For Petitioner : Mr.S.Sadasharam

For Respondents : M/s.T.Girija, GA(Cooperatives)
for R1 and R2
Mr.L.P.Shanmugasundaram, Spl GP
(Cooperatives) for R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 to initiate necessary action and conduct enquiry against 3rd respondent following the petitioner's complaint dated 22.06.2017 in Rc.No.4125/2017/SF1 dated 28.06.2017 on the file of the respondents 1 and 2.

2.The grievances of the writ petitioner is that she is a member of the Food Corporation of India Employees Co-operation House Building Society Limited as the petitioner was an employee of Food Corporation of India at Chennai. The 3rd respondent Society formed a layout and allotted house sites to the members and collected the consideration. However, the writ petitioner has paid the cost of the plot and therefore, the 3rd respondent ought to have allotted a house site in favour of the writ petitioner.

3.The learned counsel for the writ petitioner states that subsequently, the claim of the writ petitioner is that she is eligible for allotment to a housing plot measuring 2400 Sq. ft. However, the petitioner was allotted only 1792 Sq.ft in two pieces. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned counsel for the writ petitioner states that two separate plots are allotted, one measuring 1149 Sq.ft and other measuring 649 Sq.ft., But, she is eligible for allotment of a house site measuring 2400 Sq.ft., as per the scheme itself. However, the complaint sent by the writ petitioner to the 1st and 2nd respondents in this regard has not been considered.

5.The learned counsel appearing on behalf of the respondents opposed the contention by stating that the writ petitioner was allotted with the house site measuring 1792 Sq.ft in two pieces and therefore, she cannot claim any further allotment of a house site measuring 2400 Sq.ft.

6.This Court is of an opinion that such disputes between the members and the management of a Cooperative Society, are to be adjudicated under Section 90 of the Tamil Nadu Cooperative Societies Act. Section 90 of the said Act deals with disputes. Thus, the writ petitioner being a member of the 3rd respondent Cooperative society, has to raise a dispute by filing an appropriate suit before the competent authorities notified under Section 90 of the Act. A mere representation in this regard is insufficient in view of the fact that such complex facts and circumstances are to be adjudicated by producing the documents and by adducing evidences. The original records of the 3rd

respondent society, are to be examined by the competent authorities for granting relief to the writ petitioner.

7. In this view of the matter, the writ petitioner is at liberty to approach the competent authorities under Section 90 of the Tamil Nadu Cooperative Societies Act by raising a dispute in this regard. In the event of filing any such dispute, the competent authorities is bound to consider the same, after affording opportunities to all the parties concerned.

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

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

To

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Mr. P. Krishna paramathma
FCI Zonal Office,
No.3, Haddows Road,
Chennai - 600 006.

+1cc to Mr. S. Sadasharam, Advocate, S.R.No.69860

+1cc to Mr. L. P. Shanmugasundaram, Advocate, S.R.No.70500

+1cc to the Government Pleader, S.R.No.70116

W.P.No.29319 of 2017

MR (CO)
GSP (30/10/2018)