



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8549 of 2018

P.Govindaraj

... Petitioner

vs.

1. Tamilnadu Joint Co-operative Housing
rep.by the Joint Co-operative Manager
No.48, Rithardan Road, Vepari, Chennai-07

2. The Secretary
A.2651, Madurai Koodal Nagar
Co-operative Building Society Ltd.,
Plot No.30, Koodal Nagar,
Madurai-625 018

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to return the original title documents bearing document No.2137, dated 24.11.1997, back to the petitioner along with "No Dues Certificate" within a stipulated time, by considering the representation of the petitioner, dated 19.08.2017.

For Petitioner : Mr.Niranjana S.Kumar

For Respondents: Mr.S.Nagarajan

Spl. Govt. Pleader for R1

Mr.D.Muruganandam

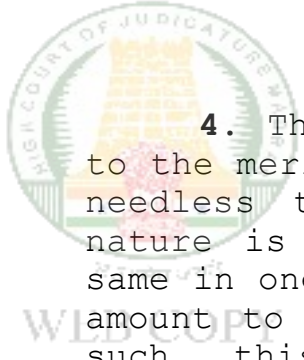
Standing Counsel for R2

O R D E R

Mr.S.Nagarajan, learned Special Government Pleader, takes notice for the first respondent and Mr.D.Muruganandam, learned Standing Counsel, takes notice for the second respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 19.08.2017 seeking to return back the original title document bearing No.2137, dated 24.11.1997 along with "No Dues Certificate", has not been considered by the respondents till date and therefore, he has filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 19.08.2017 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the person who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The Joint Co-operative Manager,
Tamilnadu Joint Co-operative Housing,
No.48, Rithardan Road,
Vepari, Chennai-07.

2. The Secretary,
A.2651, Madurai Koodal Nagar
Co-operative Building Society Ltd.,
Plot No.30, Koodal Nagar, Madurai-625 018

+ 1 CC TO Mr.NIRANJAN S.KUMAR, ADVOCATE IN SR No. 62293

KRK

TE/JC/SAR-2 : 10/05/2018 : 2P/4C

W.P. (MD) No.8549 of 2018
19.04.2018