

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :26.03.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.8365 of 2019
and
W.M.P.No.8907 of 2019

K.Murugesan

..Petitioner

vs

1.The Registrar

Co-operative[Housing Societies]
No.48, Ritherden Road
Veppery
Chennai - 600 007

2.The Deputy Registrar

Regional Co-operative Housing Societies
No.873, Kangeya Nallur Road
Gandhi Nagar East
Vellore-6

3.The President,

Hosur Co-operative Housing Building Society
Appavoo Nagar - Thally Road
Hosur.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider my Revision Petition no. RC.No.4150/2014/SF1 dated 03.07.2014.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.R.Bala Ramesh
Special Government Pleader(Co-operatives)

O R D E R

The relief sought for in the present writ petition is for a direction to direct the 1st respondent to consider the petitioner's Revision Petition No.RC.No.4150/2014/SF1 dated 03.07.2014.

2.The order of suspension issued by the Management of a Cooperative Housing Society in proceedings dated 16.11.2013, has been challenged by way of a Revision Petition before the 1st respondent on 03.07.2014.

3.The learned counsel for the writ petitioner states that the writ petitioner is kept under suspension for a prolonged period and the Management has not even reviewed the order of suspension and therefore, the suspension itself is bad in law. Even, the Subsistence Allowance has not been paid to the writ petitioner by the Management of the 3rd respondent Society. In order to redress the grievances, the writ petitioner preferred a Revision Petition before the 1st respondent on 03.07.2014, which is yet to be considered.

4.It is most unfortunate that a statutory Revision Petition filed during the year 2014 is kept pending by the Registrar. The order of suspension is under challenge in the Revision Petition. In such nature of cases, the Registrar must ensure the early disposal of the Revision Petition in the interest of justice. Contrarily, the Registrar is keeping the matter pending for about four years without any adjudication and the office of the Registrar in this regard, must be held responsible. The Registrar has to find out the reason for the delay and institute appropriate action against the persons, who all are responsible for keeping such Revision Petitions pending for more than four years.

5.However, the case of the writ petitioner is to be considered in the light of the legal principles settled. This being the factum, the 1st respondent is directed to consider the Revision Petition submitted by the writ petitioner on 03.07.2014 and pass orders on merits and in accordance with law by affording an opportunity to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.With this direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar
Co-operative[Housing Societies]
No.48, Ritherden Road
Veppery
Chennai - 600 007

2.The Deputy Registrar
Regional Co-operative Housing Societies
No.873, Kangeya Nallur Road
Gandhi Nagar East
Vellore-6

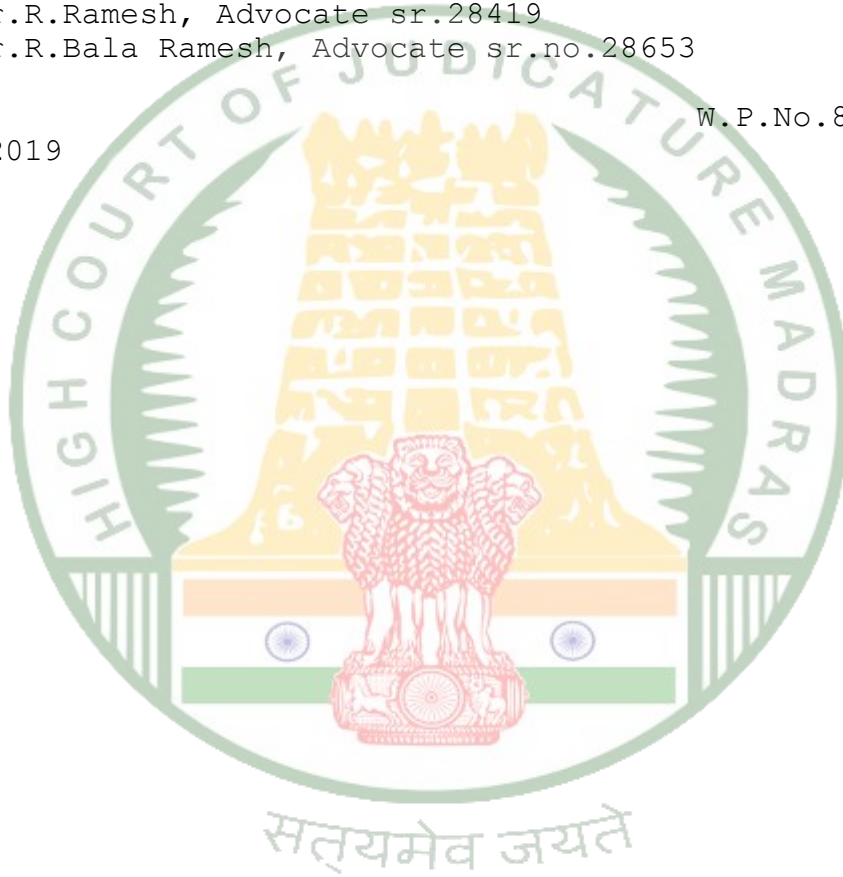
3.The President,
Hosur Co-operative Housing Building Society
Appavoo Nagar - Thally Road
Hosur.

+1cc to Mr.R.Ramesh, Advocate sr.28419

+1cc to Mr.R.Bala Ramesh, Advocate sr.no.28653

W.P.No.8365 of 2019

nr 06/05/2019



WEB COPY