

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9688 of 2019

K.Sekar

...

Petitioner

Vs.

1.The Registrar of Co-operative Societies,  
(Housing), Chennai - 600 007.

2.The Deputy Registrar (Housing),  
Chennai Region, T.Nagar,  
Chennai - 600 017.

3.Pallavan Transport Corporation Employees  
Co-operative Housing Society Ltd.,  
(Regn.No.MSG-HSG-101) Pallavan Illam,  
Pallavan Salai, Chennai - 600 002,  
Represented by its President ...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to issue directions to the third respondent under Sections 181 of 166 of the Tamil Nadu Co-operative Societies Act, 1983 to complete the Thayuur Housing Project in terms of the Award dated 21.05.2018 passed by the second respondent in Dispute Nos.3/2017-18 to 502/2017-18 and 514/2017-18 to 572/2017-18.

For Petitioner : Mr.P.Rajendran

For Respondents : Ms.T.Girija  
Government Advocate

O R D E R

Ms.T.Girija, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of

Writ of Mandamus, directing the first respondent to issue directions to the third respondent under Sections 181 of 166 of the Tamil Nadu Co-operative Societies Act, 1983 to complete the Thayuur Housing Project in terms of the Award dated 21.05.2018 passed by the second respondent in Dispute Nos.3/2017-18 to 502/2017-18 and 514/2017-18 to 572/2017-18.

3. The petitioner is a member of the third respondent Employees Co-operative Society and in the year 1997-1998, the third respondent Society proposed to form a housing project at Thaiyur, Kancheepuram District and enrolled about 1357 members and the petitioner also became a Member and he also paid a sum of Rs.2,25,000/- for 1800 sq.ft plot. With the money collected from the members, the Society purchased a total extent of 87.89 acres of land comprised in Survey Nos.1395C/3A and 1279/4B1, Thaiyur Village, Thiruporur Taluk from various owners from 1998 to 2002 and patta for all the lands has been transferred in the name of the third respondent-Society. Since the approach road to the above said housing project has to pass through Government poramboke lands in Survey Nos.1395C/9 (37 cents) and Survey No.1279/4B1B (8 cents), the Tahsildar, Thirupporur sent proposals to the District Collector, Kancheepuram through the Revenue Divisional Officer, Chengalpattu, dated 20.10.2016, for transfer of ownership of the said 45 cents of Government lands in favour of the third respondent-Society for formation of approach roads. While so, attempts were being made to encroach upon the above said lands by a group of persons, who had formed "Thayyur Pallvan Nagar Manai Urimayaalargal Matrum Kudiyruppor Nala Sangam" and they even collected money from various persons and issued receipts. Hence, the members of the Society raised disputes before the Deputy Registrar of Co-operative Societies, Housing, Chennai Region, Chennai under Section 90 of the Co-operative Societies Act, 1983. In the said Dispute, the second respondent, although passed an Award on 21.05.2018, directing to utilize the services of Mr.C.G.Janarthanam, M.A. B.L. DOM, DL.R. Retired Additional Secretary to Government, who was appointed as Special Officer to get free approach road to the lands and get approval from DTCP and allot the plots to the members, the third respondent-Society passed a Resolution in June 2018, resolving not to utilize the services of the Special Officer and therefore, the Special Officer has not taken any action in this regard. Hence, the petitioner and other members made representations to the first respondent under Section 166 of the Tamil Nadu Co-operative Societies Act on 16.12.2018 and on 11.01.2019. Since the said representations were not evoked any response, the petitioner is before this Court.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner dated 11.01.2019 is pending before the first

respondent and the first respondent will consider and pass orders, within a time limit fixed by this Court.

5. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the first respondent to consider the petitioner's representation dated 11.01.2019 and pass orders on merits and in accordance with law, after providing opportunity to all necessary parties, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Registrar of Co-operative Societies,  
(Housing), Chennai - 600 007.

2.The Deputy Registrar (Housing),  
Chennai Region, T.Nagar,  
Chennai - 600 017.

3.The President  
Pallavan Transport Corporation Employees  
Co-operative Housing Society Ltd.,  
(Regn.No.MSG-HSG-101) Pallavan Illam,  
Pallavan Salai, Chennai - 600 002,

+1cc to Mr.P.Rajendran, Advocate, S.R.No. 31914

+1cc to the Special Government Pleader, S.R.No. 31966

W.P.No.9688 of 2019

AK(CO)  
GN(02/05/2019)