

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED:29.07.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**C.R.P.(NPD) No.2418 OF 2019**

H.A.Abdul Jabbar

... Petitioner

Vs.

1.The Registrar,

Co-Operative Societies(Housing)

First Floor, Housing Board Complex,

Nandanam, Chennai-35.

2.The Special Officer,

Palavakkam Co-operative House Building Society,

No.18, Ramanathan Street,

T.Nagar, Chennai 600 017.

3.The Deputy Registrar of House Building Society,

No.18, Ramanathan Street,

T.Nagar, Chennai 600 017.

... Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order passed by the Special Tribunal for Co-operative Cases, Chennai [Chief Court of Small Causes, Chennai] in C.M.A.No.1 of 2015 dated 21.02.2018, confirming

the order passed by the lower Tribunal in the proceedings of the Registrar of Co-operative Societies in Na.Ka.5656/2013/Sa.Pa.1, dated 26.12.2014.

For petitioner : Mr.V.Bhiman  
Senior Counsel,  
for Mr.M.Madhan Kumar

**ORDER**

Challenging the order passed by the Special Tribunal for Co-operative Cases, Chennai [Chief Judge, Small Causes Court, Chennai), the petitioner is before this Court.

2. It is stated that the second respondent, contra to the Government order as well as the resolution by the Co-operative Society, has converted community hall and other areas of the layout earmarked for shops and recreation facilities, etc., into housing plots and allotted to few persons, like the petitioner. However, the resolution to allot vacant places made by the Society, dated 21.05.1989, was rejected by the Government. Therefore, finding that the allotment made to the petitioner is not proper, the first respondent rejected the allotment, vide proceedings dated 26.12.2014. Challenging the same, the petitioner preferred an appeal in C.M.A.No.1 of 2015 before the Tribunal and the same was also dismissed by judgment dated 21.02.2018, against which, the present Civil Revision Petition is filed.

3. From the perusal of the records, it is very clear that the land, which was specifically earmarked for community hall, play ground

and open space, was sought to be converted by the petitioner and the similar persons into housing plots, despite the resolution of the Co-operative Society against the same. Even now, the petitioner would seek for conversion and allotment of the said plot to him and that he is willing to pay consideration of the same. Such grounds of the petitioner are not maintainable. The purchasers will have right when the property is offered for sale. When the property was specifically earmarked for the common purpose, the purchasers cannot compel the Society to convert the same and sell it to them. In fact, the petitioner and other similarly placed persons do not have any *locus standi* to seek for such relief.

4. Under such circumstances, the revision preferred by the proposed purchaser, who is the illegal allottee by the second respondent, is not maintainable and this Court finds no merit in the present Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. However, a direction is given to the first respondent to retain the land for the purpose of which it was allotted and also take steps to complete the object. It is further directed that such properties allotted for the common purpose shall not be sold to any one in future also. No costs.

**M.GOVINDARAJ, J.**

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To  
The Special Tribunal for Co-operative Cases,  
[Chief Court of Small Causes],  
Chennai.



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