



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P(MD)No.23541 of 2019

and

W.M.P. (MD) .No.20168 of 2019

1.Arumuga Nainar
2.Sivasubramanian
3.S.P.Sivasubramanian

... Petitioners

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Deputy Director,
Village Panchayat,
Tirunelveli.

3.The Block Development Officer,
Office of the BDO,
Ambasamuthiram
Tirunelveli District.

4.The Registrar (Housing)
Tamil Nadu Housing Board,
48, Rithardan Road,
Veppary,
Chennai-07.

5.The Commissioner,
Panchayat Union,
Ambasamuthiram
Tirunelveli District.

6.The Deputy Registrar (Housing)
Tirunelveli Region,
Tirunelveli.

7.The President,
0.883, Madurai Coats Employers
and Public Service Co-operative
Housing Society Limited,
Ambasamuthiram.



8.The Thiruvadudhurai Aadhinam,
rep. By Ambalavana Pandara Sannithi,
Thiruvadudhurai Aadhinam Office,
Mela Radha Veedhi,
Tirunelveli Town.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus, directing the 4th respondent to take action under section 88(1) of the Tamilnadu Co-Operative Societies Act, 1983 by removing the 7th respondent from the post of the president of 0.883 Madura Coats Employees and Public Service Co-Operative Housing Society Limited, Ambasamuthiram and appoint a temporary administrator to the said society and consequently direct the 4th respondent to appoint the petitioner as advisors for the said temporary administrator under Section 88(2) of the Tamilnadu Co operative Societies Act, 1983.

For Petitioner	: Mr.V.Angusamy
For Respondents	: Mrs.J.Padmavathi, Special Government Pleader for RR-1, 2, 4 to 6 Mr.C.Ramar for RR-3 & 7

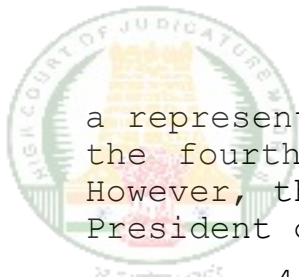
ORDER

Mrs.J.Padmavathi, learned Special Government Pleader takes notice on behalf of the respondents 1, 2, 4 to 6. Mr.C.Ramar, learned counsel takes notice for the respondents 3 and 7.

2. By consent of both sides, the writ petition is taken up for final disposal.

3.This writ petition has been filed for issuance of a direction, directing the 4th respondent to take action under section 88(1) of the Tamilnadu Co- Operative Societies Act, 1983 by removing the 7th respondent from the post of the President of 0.883 Madura Coats Employees and Public Service Co-Operative Housing Society Limited, Ambasamuthiram and appoint a temporary administrator to the said society and consequently direct the 4th respondent to appoint the petitioner as advisors for the said temporary administrator under Section 88(2) of the Tamilnadu Co operative Societies Act, 1983.

4.The petitioner made a representation to the 4th respondent/Registrar of Co-operative Society with regard to giving up of his land to an extent of 3 Acres 04 cents in favour of 8th respondent Aadhinam. A suit in O.S.No.341/2002 was filed by the 8th respondent and it was decided on 05.02.2016, wherein, the ownership was granted to the 8th respondent. However, the developments made such as laying of road and other facilities are directed to be retained as it is. Aggrieved over the decree, the petitioner filed



a representation to the 4th respondent. According to the petitioner, the fourth respondent should have taken up the matter on appeal. However, the he sought a direction to remove the 7th respondent /then President of the Society and recover 3 acres from the encroachers.

4. Admittedly, the judgment passed in O.S.No.341/2002 dated 05.02.2016 clearly shows that the 8th respondent is entitled to recovery of possession. If at all the petitioner is aggrieved, it is open to him to take recourse through the Civil Court, in stead, seeking a direction to the 4th respondent to interfere in the matter is without any legal right or cause of action and hence, not sustainable.

5. Accordingly, this writ petition is dismissed as it merits no consideration. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vs

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Deputy Director,
Village Panchayat,
Tirunelveli.
3. The Block Development Officer,
Office of the BDO,
Ambasamuthiram
Tirunelveli District.
4. The Registrar (Housing)
Tamil Nadu Housing Board,
48, Rithardan Road,
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Chennai-07.
5. The Deputy Registrar (Housing)
Tirunelveli Region,
Tirunelveli.



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+1 CC to SPL GP (SR-96999[F] dated 08/11/2019)

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