



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.9976 of 2019

S.S.Sundara Narasimhan

... Petitioner

Vs.

1) The Regional Deputy Registrar,
Co-operative Societies Thanjavur,
Office of the Regional Deputy Registrar,
Thanjavur.

2) Arignar Anna Co-operative
Housing Society Ltd.,
No.1632, Kumbakonam, No.50/44A,
Lal Bagadhur Sasthiri Road,
Kumbakonam Town,
Thanjavur District.

3) Arignar Anna Co-operative
Housing Society Ltd., No.1632, Kumbakonam,
Rep., by its Secretary D.Kumar,
No.50/44A, Lal Bagadhur Sasthiri Road,
Kumbakonam Town,
Thanjavur District.

4) Arignar Anna Co-operative
Housing Society Ltd., No.1632, Kumbakonam,
Rep., by its President A.Rajendran,
No.50/44A, Lal Bagadhur Sasthiri Road,
Kumbakonam Town,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider Petitioner's representation dated 15.02.2019 acknowledged by challan of payment of Rs.1,000/- on the same date under Section 90 of Tamil Nadu Co-operative Societies Act to number and enquire the same.



For Petitioner : Mr.T.R.Subramanian
For Respondents : Mr.C.Ramesh,
Special Government Pleader.

WEB COPY

O R D E R

This writ petition has been filed seeking for a direction to the first respondent to consider the representation, dated 15.02.2019 submitted by the petitioner seeking refund of the advance amount paid by him for the purpose of purchase of a plot under the Housing Scheme introduced by Aringnar Anna Co-operative Housing Societies Limited.

2. It is the case of the petitioner that, the "Arignar Anna Co-operative Nagar - Extn, III" Scheme has been dropped by the respondents 2 to 4, after the payment of the advance amount by the petitioner towards the purchase of a plot. Therefore, in his representation, dated 15.02.2019, the petitioner has sought for refund of the advance amount totalling Rs.11,98,000/- (Rupees Eleven Lakhs and Ninety Eight Thousand only) from the respondents 2 to 4. It is the further case of the petitioner that, despite his representation dated 15.02.2019, till date, the respondents have not considered the same on merits. In such circumstances, this writ petition has been filed.

3. Heard Mr.T.R.Subramanian, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

4. The prayer sought for in this writ petition is of an innocuous nature and no prejudice will be caused to the respondents, if such a prayer is granted by this Court. It is the case of the petitioner that, he had paid an advance amount of Rs.11,98,000/- towards the purchase of plot under the aforementioned 'Housing Scheme' introduced by the respondents 2 to 4, which has been subsequently dropped by the said respondents.

5. After giving due consideration to the aforesaid mentioned factors, this Court is inclined to grant the relief as sought for by the petitioner.

6. In the result, this Court is inclined to dispose of this Writ Petition with the following order:-

" the first respondent is directed to consider the petitioner's representation, dated 15.02.2019 seeking for refund of the advance amount of Rs.11,98,000/- allegedly



paid by him, for the purchase of plot under the "Arignar Anna Co-operative Nagar - Extn, III" Housing Scheme introduced by the respondents 2 to 4, on merits and in accordance with law within a period of four(04) weeks from the date of receipt of a copy of this order."

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7. With the aforesaid direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

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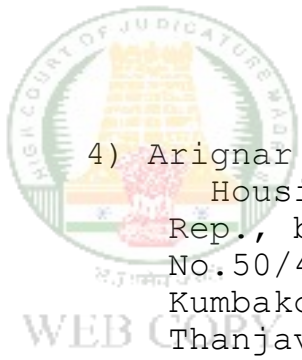
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Regional Deputy Registrar,
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Office of the Regional Deputy Registrar,
Thanjavur.
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+1cc to Mr.T.R.Subramanian, Advocate sr.19404
+1cc to Special Government Pleader, SR.No. 19333

Order made in
W.P. (MD)No.9976 of 2019

Dated:
06.10.2020

SJ(CO)

NR (16/10/2020) 4P : 7C