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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

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THE HON'BLE Mr. JUSTICE D.KRISHNAKUMAR

W.P.No. 9535 of 2021

P.Ilaiaperumal

..Petitioner

Vs

1.Pallavan Transport Corporation
Co-Operative Housing society,
MDS/HSG - 101,
Rep.by its President,
Pallavan Illam,
Pallavan Salai,
Chennai - 600002.

2.The Registrar,
Office of the Housing Co-Operative Registrar,
Campus of the Housing Board,
Nandanam,
Chennai - 600035.

3.Secretary to Govt. of Tamil Nadu,
Department of Co-Operation food
and Consumer protection of
state of Tamil Nadu,
Fort St. George,
Chennai-9.

4.Pallavan Tansport Corporation,
Pallavan Illam,
Pallavan Salai,
Chennai-600002.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India for writ of mandamus, directing the 1st Respondent to allot 600 Sq. feet at Thaiyur Housing scheme, village boundary A and B, within a time frame fixed by it's Hon'ble court.



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For Petitioner : Mrs.Thamizharasi

For Respondent No.1 & 4 : Mr.L.P.Shanmugasundaram,

Respondent No.2 & 3 : Mr.M.R.Gokul Krishnan, GA

O R D E R

The prayer sought for in the present writ petition is to direct the 1st Respondent to allot the remaining 600 Sq. feet plot at Thaiyur Housing scheme, village boundary A and B, within a time frame.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents 1 & 4 and the learned Government Advocate appearing for the respondents 2 & 3 and perused the records.

3. The learned counsel appearing for the petitioner has submitted that the petitioner was worked as a conductor under 4th respondent -Corporation and also a member of the 1st respondent-Co-operative Society. The learned counsel appearing for the petitioner further submitted that the petitioner has paid subscription regularly towards the allotment of plot of 1800 sq.ft for Thaiyur Housing scheme, but the 1st respondent-Society has allotted only 1200 sq.ft of land to the petitioner. Challenging the same, the present writ petition is filed.

4. The learned counsel appearing for the respondent-Cooperative Society has objected the submissions made by the learned counsel appearing for the petitioner and submitted that the instant writ petition is not maintainable in the light of the decision rendered by the larger Bench of this Court in Marappan Case reported in 2016 4 CTC 678.

5. The learned counsel appearing for the respondent-Cooperative Society further submitted that if any grievance as against the allotment order issued by the 1st respondent-Society, the petitioner has to approach the authority concerned under Section 90 of the Tamil Nadu Co-operatives Act.



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6. In the light of the submissions made by the learned standing counsel appearing for the respondent-Cooperative Society, liberty is granted to the writ petitioner to approach the concerned authority and seek his remedy under Section 90 of the Tamil Nadu Co-operatives Act.

7. With the above observation, the writ petition stands dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1. The President,
Pallavan Transport Corporation
Co-Operative Housing society,
MDS/HSG - 101,
Pallavan Illam, Pallavan Salai,
Chennai - 600002.
2. The Registrar,
Office of the Housing Co-Operative Registrar,
Campus of the Housing Board,
Nandanam, Chennai - 600035.
3. The Secretary to Govt. of Tamil Nadu,
Department of Co-Operation food
and Consumer protection of
state of Tamil Nadu,
Fort St. George,
Chennai-9.
4. Pallavan Transport Corporation,
Pallavan Illam, Pallavan Salai,
Chennai-600002.

+1CC to M/s.S.Thamizharasi, Advocate, SR.No. 34185

+1CC to The Government Pleader, SR.No. 34360

W.P.No. 9535 of 2021

PMK(CO)

B.VC (25/08/2021)