

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34259 of 2014

N.Swaminathan

... Petitioner

Vs

1.The Registrar of Cooperative Societies (Housing)
Gandhi Nagar, Adyar,
Chennai - 600 020.

2.The Deputy Registrar of Co-operative
Societies (Housing),
Chennai - 600 017.

3.The Special Officer Tamil Nadu Secretariat Staff
Co-operative Housing Society
(Regd.No.MDS/HSG/179),
Secretariat, Chennai - 600 009

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the claim of the petitioner regarding allotment of plot in Okkiam Thoraipakkam Housing Scheme executed by third respondent in the light of G.O.Ms.No.5 Housing and Urban Development Department dated 7.1.2013 and representation dated 2.6.2014 of the petitioner.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the respondents to consider the representation of the petitioner dated 02.06.2014 regarding allotment of plot in Okkiam Thoraipakkam Housing Scheme executed by third respondent in the light of G.O.Ms.No.5 Housing and Urban Development Department dated 07.01.2013.

2.However, today, when the matter was taken up for consideration, the learned counsel for the petitioner fairly

submitted that in the earlier round of litigation, with respect to the claim of the petitioner, this Court, by order dated 12.04.2012, passed in WP.No.8233 of 2008, granted liberty to him to proceed with the arbitration under Section 90 of the Tamil Nadu Co-operative Societies Act, before the Registrar of Co-operative Societies (Housing); instead of availing that remedy, the petitioner made the representation dated 02.06.2014 inadvertently to the respondents; and hence, he may be permitted to approach the authority concerned in the manner as provided in the earlier order passed by this Court.

3. There is no serious objection on the side of the respondents, in regard to the submissions made by the learned counsel for the petitioner.

4. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court permits the petitioner to approach the authority concerned for appropriate relief, as per the earlier order of this Court dated 12.04.2012 passed in WP.No.8233 of 2008, within a period of two weeks from the date of receipt of a copy of this order. On such approach, the authority concerned shall consider the same and pass appropriate orders, on merits, after providing an opportunity of hearing to the petitioner, within a period of six weeks thereafter.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Registrar of Cooperative Societies (Housing)
Gandhi Nagar, Adyar,
Chennai - 600 020.

2. The Deputy Registrar of Co-operative
Societies (Housing),
Chennai - 600 017.

3. The Special Officer Tamil Nadu Secretariat Staff
Co-operative Housing Society
(Regd.No.MDS/HSR/179),
Secretariat, Chennai - 600 009

+1cc to M/s.M.Ravi, Advocate SR.3959
+1cc to the Government Pleader SR.4005

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SKY (CO)
CB(22/03/2021)



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