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Writ Petition No.32340 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10/11/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.32340 of 2013

a n d

M.P.No.1 of 2013

1. E. Rajambal
2. R. Chandrasekaran
3. P. Balasaraswathy
4. S. Rajeswari
5. A. Lakshmi
6. A. Muthusamy
7. Chellamuthu
8. S. Murugesan
9. S. Palanisamy

...

Petitioners

Vs

1. The State of Tamil Nadu
rep. By its Secretary to the Housing Department
Fort St. George
Chennai.
2. The Registrar Housing
Housing Registrar Office
TNHB Buildings, Anna Salai
Nandanam
Chennai 600 035.
3. The Deputy Registrar (Housing)
Salem Zonal Office
Saradha College Main Road, Fair lands
Salem 635 016.



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4. The Zonal Assistant Registrar Housing Salem
District Collector Office
3th Floor, Room No.420
Salem 636 001.
 5. The Rasipuram Teacher and Government Servants
Co-operative Housing Society
rep. By its President
No.177-B1 Indira Street
Anna Salai, Sivakumar Hospital Lane
Rasipuram
Namakkal District 637 408.
 6. Irusakonar @ Irusappan
 7. Thirupathi
 8. Velayudham
 9. Jaganathan
 10. Veerasamy
 11. Rajasekhar
 12. Dhanapal
 13. Kannan
 14. Ayyavoo
 15. NSK.Balasubramaniyan
 16. Elango
 17. Rajamanikam
 18. Marappan
 19. Malarkodi
 20. M. Sivagami
 21. Murugesan
 22. Parameswaran
- ... Respondents

(Respondents 10 to 19 were impleaded,
vide, order dated 10/11/2012 made in
W.M.P.No.8482 of 2021, by NSKJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the Central Bureau of Investigation or any other investigating agency not under the control of the first respondent to investigate all matters pertaining to the



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purchase of lands for developing housing plots by the fifth respondent Society and various frauds and fabrication and falsification of accounts that have occurred in the accounts and funds of the fifth respondent relating to said lands and the induction of new members and the amendments of the bye-laws of fifth respondent and the various permission and authorization granted and resolution passed to alienate the above lands and fix the culpability of the concerned and guilty persons and punish them in accordance with law and to enable the eligible original and contributing members of the fifth respondent to attain benefits which they are entitled to regarding the said lands purchased by the fifth respondent by distribution of plots to them.

For Petitioner	...	Mr.R.Srinivas
For respondents	...	Mr.D.Gopal Government Advocate for R.1 Mr.J.C.Durairaj Additional Government Pleader for R.R.2 to 4. Mrs.P.Rajalakshmi for R.5. Mr.Kuppusamy for R.6 Mrs.Saranya Devi for R.10 Mr.L.P.Shanmuga Sundaram for R.12 Mr.T.Arockiadoss for R.R.13 to 22.

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ORDER

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This writ petition has been filed to direct the Central Bureau of Investigation or any other investigating agency not under the control of the first respondent to investigate all matters pertaining to the purchase of lands for developing housing plots by the fifth respondent Society and various frauds and fabrication and falsification of accounts that have occurred in the accounts and funds of the fifth respondent relating to the said lands and the induction of new members and the amendments of bye-laws of fifth respondent and the various permission and authorization granted and resolution passed to alienate the above lands and fix the culpability of the concerned and guilty persons and punish them in accordance with law and to enable the eligible original and contributing members of the fifth respondent to attain benefits which they are entitled to regarding the said lands purchased by the fifth respondent by distribution of plots to them.

2. The case of the petitioners is that they are the original members of the fifth respondent. Since all the petitioners have contributed to the purchase of lands, they have been marginalised and cheated. Hence, the petitioners have filed the writ petition praying for the relief as stated therein.



3. Heard Mr.R.Srinivas, learned counsel for the petitioner, Mr.D.Gopal, learned Government Advocate for the first respondent, Mr.J.C.Durairaj, learned Additional Government Pleader for the respondents 2 to 4, Mrs.P.Rajalakshmi, learned counsel for the fifth respondent, Mr.Kuppusamy, learned counsel for the sixth respondent, Mrs.Saranya Devi, learned counsel for the tenth respondent, Mr.L.P.Shanmuga Sundaram, learned counsel for the twelfth respondent and Mr.T.Arockiadoss, learned counsel for the respondents 13 to 22.

4. Mr.R.Srinivas, learned counsel appearing for the petitioner submitted that if plots are allotted to original members who contributed, the writ petitioners have no grievance and direction may be issued to fifth respondent to allot the plot to original members who contributed for purchase.

5. Today, when the matter is taken up for hearing, learned counsel appearing for the fifth respondent, produced the affidavit and submitted that 158 members of the Society contributed their own money for the purchase of the property and they have been waiting for more than 25 years for their share in their property. Among 158 members, 40 members have died and



majority of the members made a representation to the Society to distribute their lands, since most of the members are senior citizens. Therefore, the fifth respondent Society has called for a meeting in the year 2021 for 158 members and they have agreed to distribute the land to the members who contributed to the purchase of the property. Nearly 104 members have given their deposition to the Society stating that they have no connection with the writ petitioners and the writ petitioners have filed this writ petition without their consent and that they are ready to cooperate with the Society to distribute the lands. The learned counsel further submitted that since stay has been granted in this writ petition, fifth respondent Society is not in a position to distribute the lands.

6. Affidavit filed by the fifth respondent shall form part of the records.

6. As the very main grievance of the petitioners is with regard to distribution of property and the fifth respondent has taken a stand that property would be allotted to only 158 members, no further order is required to be passed in this writ petition.



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7. Accordingly, this writ petition is closed. The respondents 1 to 4 shall monitor the effective implementation of the allotment as undertaken by the fifth respondent. No costs. Consequently, the connected Miscellaneous Petition No.1 of 2013 is closed.

10/11/2022

Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.

To

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N. SATHISH KUMAR, J

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