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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.9277 of 2022
and
W.M.P.No.9036 of 2022

Tiruppur Taluk Co-operative Housing Society Ltd.,
C.B.E/HSG 44,
Rep. By M.R.Neethirajan,
The President,
No.35, Periya Samy Complex,
Gandhi Road,
Anupparpalayam,
Tirupur District.

.. Petitioner

Vs.

1. The Registrar,
Co-operative Societies (Housing),
Chennai.
2. The Deputy Registrar (Housing),
Coimbatore Region,
Coimbatore.
3. The Co-Operative Sub Registrar/Office Superintendent-II,
Official Liquidator,
O/o. The Deputy Registrar (Housing),
Coimbatore Region, Coimbatore 641 052.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 03.02.2021, 16.02.2022 and 03.03.2022 and to extend the lease agreement dated 01.03.2019 for a further period of another 2 years.

For Petitioner : Mr.S.Karthikeyan
for M/s.Reshmi Christy

For Respondents : Mr.C.Sathish
(Government Advocate)



O R D E R

This Writ Petition is filed by the petitioner seeking for a direction to the respondents to consider his representation and to extend the lease agreement for a further period of another 2 years.

2.The petitioner is Tiruppur Taluk Co-operative Housing Society Ltd. Another Society viz., Tiruppur Mill Industrial Workers Cooperative Housing Society is owning a Marriage Hall. The said Society is ordered to be wound up and the 3rd respondent/Official Liquidator was appointed in-charge of the said Society. The Marriage Hall owned by Tiruppur Mill Industrial Workers Cooperative Housing Society was leased to the petitioner Society for 3 years from 01.03.2019. According to the petitioner, due to Covid-19 pandemic situation, there was no bookings from March 2020 and even the persons who booked the Marriage Hall canceled the bookings and got refund of the amounts paid by them. The petitioner Society paid maintenance amount, electricity bill and salary to Watchman from and out of the funds of the petitioner's Society. Hence, the petitioner sent a representation dated 03.02.2021 to waive the lease amount for the year 2021 and requested time to pay the lease amount for the year 2021 - 2022 in the month of February, 2022. Similarly, the petitioner also sent another representation dated 16.02.2022 to the respondents to consider his earlier representation dated 03.02.2021. The 3rd respondent, without considering the representation of the petitioner dated 16.02.2022, sent a letter dated 22.02.2022, directing the petitioner to hand over the Marriage Community Hall along with the relevant documents and assets relating to the Community Hall to the respondents. Hence, the petitioner sent a representation dated 03.03.2022 to the 1st respondent to extend the lease period for another two years as Society is suffering without any funds due to pandemic situation and not in a position to mobilize amounts to take care of the petitioner Society. Since no order has been passed, the petitioner has come out with the present Writ Petition.

3.The learned Government Advocate appearing for the respondents submitted that the Marriage Community Hall belongs to the Tiruppur Mill Industrial Workers Cooperative Housing Society. The said Society was dissolved in the year 2010. The respondents have taken charge of the Marriage Community Hall and leased out the Marriage Hall in the year 2018. The said Marriage Hall was leased out to the petitioner's Society for three years from 01.03.2019 to 28.02.2022. The petitioner has to pay a sum of Rs.1,50,000/- as lease amount for each year. The petitioner



has paid only Rs.1,50,000/- for 2019 - 2020 and subsequently, they have not paid any lease amount to the respondents and has violated the conditions imposed. On 22.02.2022, the 3rd respondent called upon the petitioner to surrender the Marriage Community Hall. Further, the Tiruppur Mill Industrial Workers Cooperative Housing Society was revived by the proceedings of the 2nd respondent in Na.Ka.445/2010/vi dated 16.03.2022 and came into functioning under the Administrative Control of the Administrator/Cooperative Sub Registrar. The petitioner is not entitled for the relief sought for and prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

5. From the above materials, it is seen that the petitioner was a lessee of Marriage Community Hall, belonging to Tiruppur Mill Industrial Workers Cooperative Housing Society, leased out for the period of three years from 01.03.2009. The Tiruppur Mill Industrial Workers Cooperative Housing Society was ordered to be wound up in the year 2010. According to the petitioner, due to pandemic situation, there was no bookings for Marriage Halls. In such circumstances, by representation dated 03.02.2021, the petitioner has sought for waiver of lease amount. The petitioner has not produced any proof for having sent the said representation to the respondents and any proof to show that the same was served on the respondents. The 3rd respondent, by his letter dated 22.02.2022, called upon the petitioner to surrender the Marriage Community Hall and all the related documents of Marriage Hall. After said demand made by the 3rd respondent, the petitioner has sent a representation for extension of lease for further period of two years. The petitioner has not challenged the order of the 2nd respondent dated 22.02.2022, calling upon the petitioner to handover the Marriage Community Hall along with the documents.

6. From the documents filed by the petitioner in the typed set of papers and the submission of the learned Government Advocate, it is seen that the Tiruppur Mill Industrial Workers Cooperative Housing Society which owns the Marriage Community Hall was ordered to be revived by the proceedings of the 2nd respondent dated 16.03.2022 and an Administrator has been appointed to manage the Society for six months or till the Board of Directors are elected, whichever is earlier. In view of the fact that the Tiruppur Mill Industrial Workers Cooperative



Housing Society is revived and Administrator is in management of the same, the petitioner is not entitled for extension of lease by two years.

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In the result, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

gsa

To

1. The Registrar,
Co-operative Societies (Housing),
Chennai.
2. The Deputy Registrar (Housing),
Coimbatore Region,
Coimbatore.
3. The Co-Operative Sub Registrar/Office Superintendent-II,
Official Liquidator,
O/o. The Deputy Registrar (Housing),
Coimbatore Region, Coimbatore 641 052.

+1cc to M/s.Reshmi Christy, Advocate, S.R.No.26033
+1cc to the Government Pleader, S.R.No.26149

W.P.No.9277 of 2022

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NSK 04/05/2022