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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.12235 of 2021
and
W.M.P.No.13000 of 2021

N.Krishnamurthy

.. Petitioner

Vs.

1.The Registrar of Co-operative Society (Housing),
The Tamil Nadu Co-operative Campus,
II Floor, No.48, Ritherdon Road,
Vepery, Chennai - 600 007.

2.The Special Officer,
Tamil Nadu Accountant General's,
Office Staff Co-operative Buildings Society Ltd.,
No.361, Anna Salai,
Chennai - 600 018.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent herein to dispose the said appeal filed by the petitioner herein in Appeal No.511 of 2010 with the said direction to the Second Respondent herein within the time limit as stipulated by this Court, thus enabling the petitioner herein to quickly get reallotment of another land with the same measurement i.e., 1980 sq.ft from the Tamil Nadu Accountant, General's Office Staff Co-operative Building Society and to file a report before this Court by considering the petitioner's representation dated 22.09.2020.

For Petitioner : Mr.T.M.Karthikeyan

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

The petitioner has come out with the present Writ Petition for a direction to the 1st respondent to dispose of the appeal in Appeal No.511 of 2010 filed by the petitioner.



2. According to petitioner, he purchased plot from the 2nd respondent measuring 1980 sq.ft. at Slum No.I, AGS Colony, Mugalivakkam, Chennai by the sale deed dated 12.01.2010 bearing Document No.191/2010, which was registered on the file of S.R.O., Kundrathur. In such circumstances, one P.V.Parthasarathy filed Dispute Petition No.59/92-93 before the Deputy Registrar of Co-operative Society (Housing), Chennai, claiming 240 sq.ft land in the plot No.33, which was allotted to the petitioner. The said petition was disposed of by the Deputy Registrar of Co-operative Society (Housing), Chennai, by the order dated 05.03.2010, directing the petitioner to demolish 240 sq.ft of his constructed house portion from East to West measuring 4 feet and hand it over to the said P.V.Parthasarathy within a period of one month from the date of receipt of a copy of that order. Challenging the said order, the petitioner filed W.P.No.8068 of 2010. By the order dated 21.04.2010, the said W.P.No.8068 of 2010 was dismissed as withdrawn with liberty to file appeal before the 1st respondent. Therefore, the petitioner has filed appeal before the 1st respondent in Appeal No.511 of 2010. Since, no order has been passed on the said Appeal No.511 of 2010 by the 1st respondent, the petitioner has come out with the present Writ Petition.

3. Mr.K.Sundar, Deputy Registrar / P.A. to Registrar of Co-operative Society (Housing) and Mr.V.S.Ilanthirayan, Secretary, A.G. Coop. Building Society are present before this Court and produced the register to show that no appeal is pending before the 1st respondent. Their appearance is dispensed with.

4. Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents on instructions from the Secretary of 2nd respondent submitted that there is no appeal pending before the 1st respondent and the 1st respondent has not given any Appeal No.511 of 2010 and produced the register to that effect. He further submitted that the petitioner sold the plot No.33 on 18.11.2010 to one Ramesh and Kirthiga and now the said Ramesh and Kirthiga are in possession and enjoyment of the said property. As on today, the said Ramesh and Kirthiga are residing in the said Plot No.33 and no such appeal is pending before the 1st respondent.

5. The learned counsel appearing for the petitioner has not produced any appeal in the typed set of papers to show that he has filed appeal before the 1st respondent.

6. In view of the above submissions and the fact that the petitioner has not produced any file to prove that he has filed appeal before the 1st respondent, the petitioner is not entitled for the relief sought for in the present Writ Petition. Accordingly, the Writ Petition is dismissed. Consequently, the



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connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar of Co-operative Society (Housing),
The Tamil Nadu Co-operative Campus,
II Floor, No.48, Ritherdon Road,
Vepery, Chennai - 600 007.
- 2.The Special Officer,
Tamil Nadu Accountant General's
Office Staff Co-operative Buildings Society Ltd.,
No.361, Anna Salai,
Chennai - 600 018.

+1 cc to Mr.T.M.Karthikeyan, Advocate Sr.NO. 28021
W.P.No.12235 of 2021

PM(CO)
A.SK(23/05/2022)