



WEB COPY



W.P.No.27796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.27796 of 2022

Dr.N.Sugumar

... Petitioner

Vs

1. The Deputy Registrar – Cooperative Societies,
Natarajan Malligaioociety,
Poonadamallee High Road,
Kilpauk, Chennai – 600 010.

2. The President,
Food Corporation of India Employees
Co-operative House Building Society Ltd.,
(Regd.No.MDS/HSG/135),
No.3, Haddows Road, FCI Zonal Office,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 23.06.2022 to register the property in plot No.32(1782 sq.ft.) in Phase II Perungalathur Scheme in petitioner's name.

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.R.U.Dinesh Rajkumar

Additional Government Pleader – R1

Mr.Muthusamy

Government Advocate - R2



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ORDER

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Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader accepts notice for R1 and Mr.Muthusamy, learned Government Advocate accepts notice for R2. Both are armed with instructions to proceed with the matter finally even at the stage of admission.

2. The petitioner seeks a mandamus directing R2/The President, Food Corporation of India Employees Co-operative House Building Society Ltd., to consider the petitioner's representation dated 29.04.2021, received by R2, for which acknowledgement card is placed at pages 46 and 47 of the typed set, to register the property in plot No.32, ad measuring 1782 sq.ft. in Phase II Perungalathur Scheme (plot in question) in the petitioner's name.

3. The case of the petitioner is that he is a member of R2 society. A friend of his, one Nagalingam, was allotted a plot on payment of necessary charges, but according to the petitioner, it is he who has remitted the charges in connection with the plot. He also refers to a communication dated 09.06.2010, as per which, the said Nagalingam had intimated R2 that the payments for the plot in question was made by the petitioner and that the plot should thus be registered in his name.



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4. Despite requests for registration of the plot in the petitioner's name based on the aforesaid averments, no action has been taken by R2 and hence the present Writ Petition.

5. Mr.Muthusamy, learned Government Advocate for R2 would put forth a prima facie objection to the effect that the allotment of the plot in question has not been made in the name of the petitioner.

6. Since the prayer of the petitioner is itself only for disposal of the representation and there are disputed facts at play, moreover, it would suffice, and the petitioner is satisfied, that a direction issued to R2 to hear the petitioner and pass orders on representation dated 29.04.2021 and subsequent reminders within a period of eight (8) weeks from today.

7. This Writ Petition is disposed as above. No costs.

18.10.2022

Index : Yes / No

Speaking/non-speaking Order
sl

To

1. The Deputy Registrar – Cooperative Societies,
Natarajan Malligaioociety, Poonadamallee High Road,
Kilpauk, Chennai – 600 010.



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Dr.ANITA SUMANTH,J.

sl

2. The President,
Food Corporation of India Employees
Co-operative House Building Society Ltd.,
(Regd.No.MDS/HSG/135),
No.3, Haddows Road, FCI Zonal Office,
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