



W.P.(MD).No.2373 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.2373 of 2013

Alagan

... Petitioner

Vs.

1.The Special Officer,
Dheeran Chinnamalai Transport Corporation
Staff Building Co-operative Society,
Trichy – 1.

2.Tamil Nadu State Transport Corporation,
Trichy, (TNSTC) Trichy.

... Respondents

(R2 is *suo motu* impleaded vide Court order
dated 23.04.2021 in WP(MD)No.2373/2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to allot a plot to the petitioner situated at Deeran Nagar, Trichy.

For Petitioner : Mr.P.Ganapathi Subramanian,

For Respondents : Mr.R.Velmurugan.



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ORDER

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The present Writ Petition has been filed seeking a writ of mandamus, directing the first respondent/Housing Society to allot a plot to the writ petitioner.

2. According to the writ petitioner, he was working as a Conductor in the second respondent Corporation and he was a member of the first respondent/Housing Society. He had remitted a sum of Rs.6,500/- from the Employees Provident Fund Account towards allotment of plot to the first respondent herein on 25.07.1989. However, he was removed from service on 07.11.1989 and he was reinstated only on 27.05.1997. Though he has been reinstated, the first respondent Society has not allotted any plot based upon the deposit of a sum of Rs.6,500/-. Hence, the present Writ Petition.

3. The learned counsel for the respondents submits that though the petitioner has deposited the said amount in the year 1989, within four months from the date of such deposit, he was terminated from service.



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The allotment of the plots to other members have been completed in the year 1991 itself. Hence, when the petitioner was reinstated in the year 1997, no plots were left over for being allotted to the writ petitioner. Hence, he contended that the first respondent Society is ready to refund the amount of Rs.6,500/- along with interest to the writ petitioner.

4. I have given a careful consideration to the submissions made on either side.

5. Though it is true that the petitioner has deposited a sum of Rs.6,500/- to the first respondent/Housing Society, he was not in service while the allotment was carried out to the other members. According to the learned counsel for the first respondent Society all the plots have been allotted to the other members and no plot is left out for being allotted to the writ petitioner.

6. In such circumstances, the question of issuing a mandamus to the first respondent to allot a plot to the writ petitioner does not arise. Hence, in view of the above said facts, the first respondent is directed to refund a



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sum of Rs.6,500/- (Rupees Six Thousand and Five Hundred only) to the writ petitioner with interest at the rate of 6% per annum from August 1989 to till the date of payment. The said payment shall be made within a period of twelve (12) weeks from the date of receipt of copy of this order.

7.In the above said observations, this Writ Petition is allowed with regard to the extent as stated above. No costs.

08.08.2022

Index : Yes / No
Internet : Yes / No
das

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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To

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Dheeran Chinnamalai Transport Corporation
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Trichy – 1.
- 2.Tamil Nadu State Transport Corporation,
Trichy, (TNSTC) Trichy.



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R.VIJAYAKUMAR ,J.

das

Order made in
W.P.(MD).No.2373 of 2013

08.08.2022