



WEB COPY



W.P.No.2783 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2023

CORAM :

The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2783 of 2023

N.Rangasamy

.. Petitioner

vs

1. The Joint Registrar of Co-operative Societies,
Vengikkal,
Tiruvannamalai.

2. The HH- 610, Thandrampet Farmers,
Service Co-operative Society,
Rep. By its President,
Thandrampet,
Tiruvannamalai District – 606 607.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari Mandamus, to call for the records of the 2nd respondent herein dated 28.12.2020 and to quash the same as illegal and consequently directing the respondents herein to pass appropriate orders of re-conveyance of the land to the petitioner as per Rule 131 of the Tamil Nadu Co-operative Societies Rules and as per the order passed in W.A. No.1158 of 2008.

For Petitioner : Mr.Adarsh Subramanian

For Respondents : Mr.S. Ravikumar,
Spl. Govt. Pleader for R1
Mr.S. Arumugham,
Government Advocate for R2



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ORDER

By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

2. Mr.S.Ravikumar, learned Special Government Pleader accepts notice for the 1st respondent and Mr.S. Arumugham, learned Government Advocate accepts notice for the 2nd respondent.

3. This writ petition has been filed challenging the order dated 28.12.2020 passed by the 2nd respondent rejecting the petitioner's request to give particulars of the amount due and payable by him for reconveying the property to him as per the provisions of Rule 131 of the Tamil Nadu Co-operative Societies Rules.

4. The 2nd respondent has rejected the petitioner's representation on the ground that they have purchased the property 40 years back on 29.10.1979 and the patta has already been transferred in their name.

5. Heard Mr.Adarsh Subramanian, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader for the 1st respondent and Mr.S. Arumugham, learned Government Advocate for the 2nd respondent.

6. Admittedly, the petitioner's father was a defaulter and to adjust



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the dues payable by the petitioner's father, the property was purchased by the 2nd respondent Society on 29.10.1979. The petitioner claims that his father as well as himself had made several representations requesting the 2nd respondent to reconvey the property to them and give particulars of the amounts payable by them for the said reconveyance as per the provisions of Rule 131 of the Tamil Nadu Co-operative Societies Rules. According to the petitioner, he was unable to get the details of the payments due and payable by him and therefore, he was unable to deposit the amount which is a pre-condition for entertaining an application under Rule 131 of the Tamil Nadu Co-operative Societies Rules.

7. Rule 131 of the Tamil Nadu Co-operative Societies Rules reads as follows :-

“131. Reconveyance of immovable property by a society : -

(1) Where an immovable property purchased by a society as decree-holder is in its possession, the society may with the prior approval of the Registrar and subject to such conditions as may be imposed by him, reconvey such property to the original owner on an application in writing made in this behalf.

(2) Along with the application for reconveyance of the property the original owner shall deposit with the society -

(a) the amount at which the property was purchased by the society including stamp duty and other charges paid upto the



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confirmation of sale;

(b) *the interest on the above mentioned amount at the maximum lending rate in the case of a credit society or at a rate not less than the maximum borrowing rate, in the case of any other society, from the date of purchase till the date of deposit of the amount; and*

(c) *other expenses incurred in relation to such property”.*

8. Even as seen from the affidavit filed in support of this writ petition, the petitioner has been making attempts to get the property reconveyed in his favour only in the year 2007 though the property was purchased by the 2nd respondent Society in the year 1979 itself. Admittedly, several years have elapsed, since the 2nd respondent Society got the property in the year 1979.

9. The learned counsel for the petitioner also drew the attention of this Court to the Judgment dated 10.03.2010 passed by the Division Bench of this Court in Writ Appeal viz., W.A. No.1158 of 2008 filed by the 2nd respondent Society as against the order passed by the learned Single Judge in favour of the petitioner's father M.R.Nagarajan. In particular, he referred to the operative portion of the said Division Bench judgment, which has given liberty for the petitioner's father, who is no more to file an application for re-conveyance strictly in accordance with Rule 131 of the Tamil Nadu Co-operative Societies Rules after



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ascertaining the amounts that should be deposited in accordance with

Sub Rule (2).

10. However, as seen from the Division Bench judgment, dated 10.03.2010 it is clear that the Division Bench never directed the 2nd respondent Society to consider the petitioner's request, even if the application filed by the petitioner under Rule 131 of the Tamil Nadu Co-operative Societies Rules suffers from laches.

11. Admittedly, in the instant case, the request made by the petitioner to enable him to file an application under Rule 131 of the Tamil Nadu Co-operative Societies Rules was made only in the year 2020 which culminated in the impugned order rejecting his request on the ground of laches.

12. This Court does not find any infirmity in the impugned order. Accordingly, this writ petition is dismissed. No costs.

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Index:Yes/No

Neutral Citation:Yes/No

vsi2



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ABDUL QUDDHOSE, J.

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To

1. The Joint Registrar of Co-operative Societies,
Vengikkal,
Tiruvannamalai.

2. The President,
The HH- 610, Thandrampet Farmers,
Service Co-operative Society,
Thandrampet,
Tiruvannamalai District – 606 607.

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