



W.P. No. 8135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8135 of 2023

V.Elangovan

... Petitioner

-VS-

1. The Registrar of Housing Co-operative Societies
Tamilnadu Co-operative Housing Federation
II Floor, No.48, Ritherdan Salai
Vepperi, Chennai.

2. Deputy Registrar
Co-operative Societies (Housing)
Coimbatore Zone
Coimbatore – 02.

3. The President
Coimbatore Co-operative Housing Society Ltd.
No. 1081, Gopalapuram
Coimbatore – 641 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents authorities to repay the amount which was paid by the Petitioner on 27.02.2013 on the ground that the Petitioner did not cause any loss to the respondent society at the time of selling of plots in Idikarai village as alleged by the Respondent within the time frame fixed by the Court.

For Petitioner

:

Mr. M.Sudhan



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For Respondents : Mr. B.Vijay (For R1 and R2)
Additional Government Pleader

Mr. R.U.Dinesh Kumar (For R3)
Additional Government Pleader

ORDER

Heard Mr. M.Sudhan, Learned Counsel for the Petitioner, Mr. B.Vijay, Learned Additional Government Pleader who takes notice for the First and Second Respondents and Mr. R.U.Dinesh Kumar, Learned Additional Government Pleader who takes notice for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents authorities to repay the amount which was paid by the Petitioner on 27.02.2013 on the ground that the Petitioner did not cause any loss to the respondent society at the time of selling of plots in Idikarai village as alleged by the Respondent within the time frame.

3. Since it has been held by the Full Bench of this Court in ***K.Marappan -vs- Deputy Registrar of Co-operative Societies, Namakkal*** [(2006) 4 CTC 689] that a Writ Petition is not maintainable against a Co-operative Society and the Petitioner has an effective alternate remedy by filing a Revision Petition



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under Section 153 of the Tamil Nadu Co-operative Societies Act, 1983, before the concerned Registrar of Co-operative Societies for the relief sought, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to resort to the said procedure and he has made an endorsement to that effect in the court record.

In fine, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 24.02.2023, till that time on which the certified copy of this order is made ready by the Registry, shall be excluded. No costs.

16.03.2023

Maya

Index: Yes/No

Neutral Citation : Yes/No

Note: (i) Issue order copy by 05.04.2023;

(ii) Registry is directed to return the original copy of the impugned order under written acknowledgment after retaining a copy of the same for record.



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P.D. AUDIKESAVALU, J.

Maya

To

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