



W.A.No.1918 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1918 of 2021

K.Jai Ganesh

.. Appellant

Vs.

1. The Registrar of Co-operative Societies (Housing)
O/o. The Registrar Co-operative Societies (Housing)
Rethurden Road, Veppery
Chennai – 600 007.
 2. The Deputy Registrar of
Co-operative Societies (Housing)
Chennai Region, Ramanathan Salai
T.Nagar, Chennai – 17.
 3. The President
Periyar Nagar Government Servant
Co-operative House site Distribution Society Ltd.
Thiruvalluvar Co-operative Thirumana Maaligai
29, Karthikeyan Salai
Periyar Nagar, Chennai – 82.
- .. Respondents



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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 23.06.2021 in W.P.No.1571 of 2021.

For the Appellant : Ms.R.Thenamirtha Shyamala

For the Respondents : Mr.U.Bharanidharan
Additional Govt. Pleader
for R1 & R2

Mr.S.V.Durai Solaimalai
for R3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard the learned counsel for the appellant, learned Additional Government Pleader for respondents 1 & 2 and the learned counsel for respondent 3.

2. The appellant has filed a writ petition seeking a direction to the third respondent to register the sale deed of the writ property. Learned Single Judge did not entertain the writ petition on merits and observed that the appellant has a remedy under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983.



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3. Though learned counsel for the appellant sought to canvass that, in fact, the dispute does not exist and the original allottee had already transferred the interest in favour of the father of the appellant, still the fact that has been observed by the learned Single Judge is that the third respondent has never executed conveyance in favour of the original allottee.

4. Be that as it may. As some dispute exists between the parties, the learned Single Judge has appropriately relegated the parties to avail the remedy.

5. In the light of that, the writ appeal stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

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