



W.P. No. 33271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

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

W.P. No. 33271 of 2023

and

W.M.P. Nos. 33014 and 33015 of 2023

1. T.K.S.Pugazhendhi
2. P.Lokesh
3. P.Saravanan

... Petitioners

-VS-

1. The Tamil Nadu Co-operative Housing Federation Limited
Rep. By its General Manager (Administration)
Venkataswam Vagheesam Nilayam (1st Floor)
No.48, Ritherdon Road, Vepery
Chennai – 600 007.
2. The President /Secretary Administrator
South Chennai Cooperative Housing Society Limited
No.23, 9th Street, Kumaran Colony
Vadapalani, Chennai – 600026.
3. The Registrar of Cooperative Societies (Housing)
Venkatasamy Vagheesam Nilayam, 2nd Floor
No.48, Ritherdon Road, Vepery
Chennai – 600007.
4. The Deputy Registrar (Housing)
Chennai Zone
G.M.S. Mahal, 4th Floor
129/55, Medavakkam Tank Road
Chennai – 600010.

Respondents

...



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records in Na.Ka.No.1700/2020-21 Housing Project dated 04.09.2023 on the file of the First Respondent and quash the same as illegal, arbitrary, violative of principles of natural justice and malafide.

For Petitioners : Mr. N.Ramakrishnan

For Respondents : Mr. U.Baranidharan, AGP (R1)
Mr. E.Vijay Anand (R2)
Mr. S.J.Mohamed Sathik (RR3 & 4)

ORDER

Heard Mr. N.Ramakrishnan, Learned Counsel for the Petitioners, Mr. U.Baranidharan, Learned Additional Government Pleader, who takes notice for the First Respondent, Mr. E.Vijay Anand, Learned Counsel, who takes notice for the Second Respondent and Mr. S.J.Mohamed Sathik, Learned Counsel, who takes notice for the Third and Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have been blacklisted from entering into contracts with the First Respondent by Proceedings in Na.Ka.No.1700/2020-21 Housing Project dated 04.09.2023 by the First Respondent, which is challenged in this



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Writ Petition raising the contention that it entails adverse civil consequences to them, but it is in violation of the principles of natural justice by not affording any opportunity of hearing to them or following the prescribed procedure.

3. Learned Additional Government Pleader appearing for the First Respondent has filed a memo dated 28.11.2023, which reads as follows:-

“2. It is submitted that the Petitioners have not paid the interest amount of Rs. 5.82 Crores on the loan amount of Rs. 40 Crores for 2 years. The Petitioner has also not paid the balance in the loan amount i.e. 5 Crores even after the moratorium period of one year. The Petitioner therefore had to pay a total sum of Rs. 10.82 Crores.

3. It is submitted that action was taken against the Petitioners u/s 90 of the Tamil Nadu Co-operative Societies Act on 18.08.2023.

4. It is submitted that an order dated 04.09.2023 was also passed by the First Respondent blacklisting the Petitioners.

5. It is submitted that the First Respondent is revoking the action of Black Listing the Petitioners in the order dated



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04.09.2023. *It is further submitted that the Respondents reserves the right to proceed in accordance with law in future against the Petitioners."*

4. In view of the subsequent events, nothing remains for further consideration in the Writ Petition, but it would not preclude either the Petitioners or the First Respondent, if they have any other grievance against each other, from working out their remedies before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

28.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

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To

1. The Tamil Nadu Co-operative Housing Federation Limited
Rep. By its General Manager (Administration)
Venkataswam Vagheesam Nilayam (1st Floor)



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No.48, Ritherdon Road, Vepery
Chennai – 600 007.

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2. The President /Secretary Administrator
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P.D. AUDIKESAVALU, J.

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