



W.A(MD)No.711 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.711 of 2014
and
M.P(MD)No.1 of 2014

P.R.Balasubramanian

.. Appellant/3rd
Respondent

Vs.

1.V.Rajendran

.. 1st Respondent/Writ Petitioner

2.The Deputy Registrar(Housing)
Virudhunagar Region,
Virudhunagar,
Virudhunagar District.

3.The Special Officer,
MDA/HSG.45,
Co-operative Housing Society of
Government Officer,
Karaikudi.

.. Respondents 2&3/Respondents1&2

Appeal filed under Clause 15 of the Letters Patent, against the order
passed by this Court in W.P(MD)No.5987 of 2009 dated 26.02.2014.



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For Appellant	:Mr.VR.Shanmuganathan for Mr.AL.Kannan
For R1	: No appearance
For R2 & R3	:Mr.N.Ramesh Arumugam Government Advocate

JUDGMENT

DR G.JAYACHANDRAN,J.
AND
K.K. RAMAKRISHNAN,J.

The subject matter of the writ appeal is regarding the cancellation of housing site allotted to one Rajendran and the sale deed executed in his favour on 23.12.1985 by the Co-operative Housing Society, being cancelled subsequently for non compliance of the condition sale and allotted to one P.R.Balasubramanian vide allotment order dated 11.01.1995.

2.From the pleadings, we find that after getting allotment of the site, the said P.R.Balasubramanian has put up a construction and in possession as on date. However, the original allottee Rajendran, on coming to know about the cancellation of sale deed unilaterally, has preferred an appeal before the Deputy Registrar(Housing), Virudhunagar, in ARC No.97/98-99 and



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succeeded on the ground that the cancellation order was done without any authority and without notice.

3. Whiles, the said Rajendran has approached this Court by filing a writ petition seeking Mandamus directing the Special Officer, Co-operative Housing Society, Karaikudi, to transfer the land in his name as per the order passed by the Deputy Registrar in ARC No.97/98-99 dated 22.06.2009. In the said writ petition, P.R.Balasubramanian, the subsequent allottee was arrayed as the third respondent. He did not participate in the writ proceedings.

4. The learned Single Judge, after considering the pleadings and the records, has allowed the writ petition, vide order dated 26.02.2014. Now having aggrieved by the order of the learned single Judge, the third respondent has preferred a writ appeal in W.A(MD)No.711 of 2014. In the appeal, the said P.R.Balasubramanian/appellant has brought to the notice of this Court that the order of the Deputy Registrar, dated 22.06.2009 passed in ARC No.297 of 1989 was challenged by way of revision by him before the Registrar of Co-operative Society, under Section 153 of Tamil Nadu Co-



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operative Societies Act and the said revision petition is still pending in RC No.5666 of 2009. The said contention is also endorsed by the learned counsel appearing for the Registrar of Co-operative Society Housing.

5. There is no representation for the writ petitioner, who is the first respondent in the appeal. Notice sent to him by post and returned unserved and his name was printed in the cause list.

6. The learned Single Judge has confirmed the order of the Deputy Registrar under the impression that no review or revision are filed against the order of the Deputy Registrar.

7. Now, it is brought to our notice that revision has been filed and the same is pending. In such circumstances, it is appropriate to delegate the parties to agitate before the Registrar Co-operative Society Housing, before whom the revision petition is pending.

8. Accordingly, the order of the learned Single Judge, passed in W.P(MD)No.5987 of 2009, dated 26.02.2014 is set aside. The parties are



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directed to participate in the revision proceedings and get redressal. The Registrar of Co-operative Society Housing, is directed to complete the proceedings in the revision petition, pending before him since 2010, within a period of three months from today.

9. With the above direction, this Writ Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.J.,J.) (K.K.R.K.,J.)
15.02.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

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2. The Special Officer,
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