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W.P.Nos.10647 & 10648 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.Nos.10647 & 10648 of 2016

and

W.M.P.Nos.9339 & 9340 of 2016

P.Singaravelu

...Petitioner
in both W.Ps

Vs.

1. The Deputy Registrar (Housing)
and Surcharge Proceeding officer
for Vellore Region,
Vellore.
2. The Special Officer/President,
Hosur Co-Operative Housing Societies Ltd.,
Appavu Nagar, Thally Road,
Hosur.
3. The Tribunal for Co-Operative Society,
(The Principal District Judge),
Krishnagiri.

...Respondents
in both W.Ps

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus to call for the record on the file of the third respondent in connection with the order passed respectively in I.A.Nos.3 and 4/2011 in un-numbered C.M.A.(CS) of 2010



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dated 11.10.2011, quash the same and direct the third respondent to hear the appeal.

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For Petitioner	: Mr.J.Shanmugasundara Babu
For R1	: Mr.P.Ganesan, GA
For R2	: M/s.Nalini for M.S.Palanisamy
R3	: Court

COMMON ORDER

These Writ Petitions have been filed challenging the common order passed in I.A.Nos.3 and 4/2011 in un-numbered C.M.A.(CS) of 2010 dated 11.10.2011 and to direct the third respondent to hear the appeal.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel appearing on behalf of the second respondent, in both the writ petitions.

3. The respective learned counsels appearing for respondents 1 and 2 raised serious objections on the maintainability of the writ petitions. The



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learned counsels submitted that the petitioner ought to have filed Civil Revision Petition against the common order passed by the third respondent in I.A.Nos.3 and 4 of 2011 in un-numbered C.M.A.(CS) of 2010 dated 11.10.2011 and hence the writ petitions were not maintainable.

4. The learned counsel for the petitioner submitted that liberty may be given to the petitioner to file civil revision petitions by excluding the time spent in prosecuting the writ petitions.

5. This Court has carefully considered the submissions of the learned counsels on either side and perused the materials available on record.

6. It is seen that the impugned common order was passed in the year 2011 and the writ petitions were filed in the year 2016. Already, a period of 13 years has lapsed and hence, the period spent in prosecuting the writ petitions cannot be excluded.



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7. The writ petitions are dismissed as not maintainable. However, liberty is given to the petitioner to file civil revision petitions as against the impugned common order of the third respondent in I.A.Nos.3 and 4/of 2011 in un-numbered C.M.A.(CS) of 2010 dated 11.10.2011, if so advised. There shall be no order as to costs. Consequently the connected WMPs are closed.

23.10.2024

Index : Yes/No
Neutral Citation : Yes /No

To

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and Surcharge Proceeding officer
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N.MALA, J

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