



WEB COPY



W.P.No.14777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.14777 of 2024 &

W.M.P.No.16011 of 2024

1. P.Balasubramaniam
2. R.Rajaraman
3. A.Somasundaram

... Petitioners

Versus

1. The Registrar of Co-operative Societies
(Housing),
Office of the Registrar co-operative Societies (Housing)
No.48, Ritherdon Road,
Vepery, Chennai – 600 007
2. The Deputy Registrar (Housing)
(Office of the Deputy Registrar, Housing)
(Chennai Zone), GMS Building 4th Floor,
No.55, Medavakkam Tank Road,
Kilpauk, Chennai – 600 010
3. The Senior Inspector / The Special Officer,
(FCI Employees Co-operative House
Building Society Ltd.,)
No.130, M.C.Nichols Road, Chetpet,
Chennai – 600 031

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.07.2022 and to dispose of the same within the time frame.



W.P.No.14777 of 2024

For Petitioners : Mr.K.Manikandan

For Respondents : Mrs.Geetha thamaraiselvan for R1 & R2
Special Government Pleader

Mr.U.Baranidharan for R3
Additional Government Pleader

ORDER

The present Writ Petition has been filed by the petitioners for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 16.07.2022 and to dispose of the same within the time frame.

2. The case of the petitioners are as follows:-

(i) The petitioners are the retired employee of the Food Corporation of India and during the course of employment in the aforesaid food corporation, a scheme was launched, wherein the lands were acquired by the society and the same was plotted out for the benefit of its members and thereby, the society had become absolute owner of the lands situated in Old No.134 and New No.10, Perungulathur village, Tambaram Taluk, Kancheepuram, comprised in New Survey No.347/2A1 (old survey no.347/2A), Survey Nos.342/2, 350/2B, 385/1A, 385/1B, 385/1C, 386/2 and 386/1B, total extent of 10.32 acres out of total acquired land extent of 29.5 acres, patta



W.P.No.14777 of 2024

no.1245 and bearing plot nos.1 to 138, EWS Plot Nos.139 to 190 and public purpose plot nos.1 to XX in FCI Nagar Phase -IV duly approved by the CMDA vide approval layout PPD/LO No:10/2014.

(ii) Originally the Society had issued allotment orders in respect of the plots to each of the members. The 1st petitioner had been allotted Plot No.81 measuring an extent 1744 sq.ft., 2nd petitioner had been allotted Plot No.6 (Phase-I) measuring an extent of 2218 sq.ft., and the 3rd petitioner had been allotted Plot No.45 & 192 (Phase-V) measuring an extent 2220 sq.ft., and respondents had arrived the value of the land at the rate of Rs.52,000/- per ground and further, in the said communication, it is informed to the allottees that out of the payments effected by them, the remaining payments towards the land cost was called upon to pay. That apart, a further communication was sent by the 3rd respondent dated 07.05.2009, wherein deadline was given to effect the land cost on or before 30.05.2009 and the 3rd respondent had fixed the sale consideration at the rate of Rs.110/- per sq.ft., towards land cost. The 4th respondent had not made any development in respect of properties, which was plotted out, hence the Society had decided to refund a sum of Rs.45,000/- out of the development charges collected from the allottees. In this regard, a general body meeting was



W.P.No.14777 of 2024

WEB COPY

convened by the 4th respondent society on 16.07.2022 and resolution came to be passed with regard to refund of the development charges to the allottee.

(iii) That apart, prior to subsequent to the passing of resolution in the General Body Meeting dated 16.07.2022, on 23.05.2022, the Society had given a representation to the 2nd respondent with regard to seeking for permission to refund the portion of the development charges to the allottees taking into consideration the welfare of the members as well as the society. Again on 29.06.2022, the society had given a further representation to the 2nd respondent in this regard, without stopping with the same, the petitioner has sent several representations to the 2nd respondent and thereafter, the 2nd respondent, vide communication dated 23.01.2023 in Na.Ka.No.782/2021/C1 granted 15 days time to file a report, but till date the same has not been considered, hence this petition.

3. The learned counsel for the petitioner would submit that it would suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 16.07.2022 and to dispose of the same within the time frame.



W.P.No.14777 of 2024

WEB COPY

4. The learned Additional Government Pleader and the learned Special Government Pleader appearing for the respondents seeks time to consider the representation of the petitioner and submits that the representation of the petitioner will be considered in accordance with law.

5. Considering the facts and circumstances of the case without delving deep into the merits of the matter and taking note of the submission of the learned Additional Government Pleader and the learned Special Government Pleader appearing for the respondents, this Court is inclined to direct the respondents to consider the representation of the petitioner dated 16.07.2022 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

Accordingly, the present Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

24.06.2024

Index : Yes/No
Internet: Yes / No



W.P.No.14777 of 2024

Speaking order : Yes/No

ssd

V.BHAVANI SUBBAROYAN, J.

ssd

To

1. The Registrar of Co-operative Societies
(Housing)
Office of the Registrar co-operative Societies (Housing)
No.48, Ritherdon Road,
Vepery, Chennai – 600 007
2. The Deputy Registrar (Housing)
(Office of the Deputy Registrar, Housing)
(Chennai Zone), GMS Building 4th Floor,
No.55, Medavakkam Tank Road,
Kilpauk, Chennai – 600 010
3. The Senior Inspector / The Special Officer,
(FCI Employees Co-operative House
Building Society Ltd.,)
No.130, M.C.Nichols Road, Chetpet,
Chennai – 600 031

W.P.No.14777 of 2024

13.06.2024