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W.P.No.15492 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.15492 of 2024

C.S.Kumar

... Petitioner

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 4<sup>th</sup> 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.



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For Petitioner : Mr.K.Manikandan

For Respondents : Mr.G.Krishnaraja for R1 and R2  
Additional Government Pleader  
Mr.V.Baranidharan for R3  
Additional Government Pleader

### **ORDER**

The present Writ Petition has been filed by the petitioner 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 petitioner are as follows:-

(i) The petitioner is 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, 350/2, 385/1A, 385/1B, 385/1C, 386/2B and 386/1B, total extent of 10.32 acres out of



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total acquired land extent of 29.5 acres, patta 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 petitioner had been allotted Plot No.34 phase-V measuring an extent of 1836 sq.ft., and the 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 3<sup>rd</sup> respondent dated 07.05.2009, wherein deadline was given to effect the land cost on or before 30.05.2009 and the 3<sup>rd</sup> respondent had fixed the sale consideration at the rate of Rs.110/- per sq.ft., towards land cost. The 4<sup>th</sup> 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 convened by the 4<sup>th</sup> respondent society on 16.07.2022 and resolution came to be passed with regard to refund of



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the development charges to the allottee.

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(iii) That apart, prior to the General Body meeting dated 16.07.2022, on 23.05.2022, the Society had given a representation to the 2<sup>nd</sup> respondent with regard to seeking for a 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 2<sup>nd</sup> respondent in this regard, without stopping with the same, the petitioner has sent several representations to the 2<sup>nd</sup> respondent and thereafter, the 2<sup>nd</sup> 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.

4. The learned Additional Government Pleader appearing for the respondents seeks time to consider the representation of the petitioner



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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 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. No costs.

**24.06.2024**

Index : Yes/No  
Internet: Yes / No  
Speaking order : Yes/No

ssd



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**V.BHAVANI SUBBAROYAN, J.**

ssd

To

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