



W.P.No.23912 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.23912 of 2024

P.U.Rajkumar

... Petitioner

Vs

1. The Chief Secretary to the Government
O/o.The Secretariat
Pondicherry
2. The Chief Vigilance Officer
O/o.The Chief Vigilance Officer
The Chief Secretariat
Pondicherry
3. The District Collector
O/o.The District Collectorate
Karaikal District
Karaikkal
Pondicherry
4. The Registrar of Co-operative Building Society
O/o.The Registrar
Chief Secretariat
Pondicherry
5. The Karaikal Co-operative Building Society
Represented by its Secretary



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Nehru Nagar
Karaikal

6. The District Registrar
O/o.The District Registrar
Registration Department
Karaikal

7. The Sub-Registrar
O/o. the Sub-Registrar
Karaikal

8. Mr.PRN Thirumurugan
S/o.PR Nalamaharajan
No.57, North Street
Kovilpathu Village
Karaikal Town and Taluk
Pondicherry

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 and 6 to take appropriate action against the respondents 5, 7 and 8 by considering the petitioner's representation dated 06.03.2024 within a stipulated time frame.

For Petitioner : Ms.S.Kiruthika

For Respondents : Mr.N.Nirmal Kumar
Government Advocate (Pondicherry)
for R1 to R7



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ORDER

The Writ Petition has been filed for a direction to Respondents 1 to 4 and 6 to take appropriate action against the respondents 5, 7 and 8 by considering the petitioner's representation dated 06.03.2024.

2. The petitioner is the member of the fifth respondent Society. The wife of the 8th respondent purchased the property comprised in "Re-Survey No.127/2 situated at Varichakudi, North Village, Karaikal in and by a registered sale deed dated 18.01.2010 bearing Document No.95/2010" [hereinafter 'said property']. The said property was given as collateral security before Karaikal Excise Department for obtaining tender license. Since there is an outstanding due of more than Rs.50 lakhs together with interest, Karaikal Excise Department is still holding the original document. While that being so, the wife of the 8th respondent had executed a settlement deed in favour of 8th respondent in respect of the very same property and 8th respondent pledged the same with the 5th respondent and availed huge sum as loan. Therefore, the petitioner submitted a representation dated 06.03.2024.



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3. This Court is of the view that the petitioner being a member of the fifth respondent society has no locus standi for seeking a direction to take appropriate action as against 8th respondent. If at all there is any dispute between petitioner and 8th respondent, the petitioner can very well sue the 8th respondent. If the 8th respondent or his wife failed to pay the amount due to the Karaikal Excise Department or fifth respondent, they can take appropriate action for non-payment of dues in the manner known to law. Therefore, the petitioner cannot seek a relief and he has no locus to seek for a direction as against the 8th respondent.

Accordingly, this writ petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
gpa



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G.K.ILANTHIRAIYAN, J.

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