



Rev.Aplw.No.128 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.09.2025

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

REV.APLW.NO.128 of 2025

in

WP(MD)NO. 27234 of 2019

1. P.Radhakrishnan (died)
2. P.R.Desavelu
3. P.R.Vinayagamoorthy
4. P.Lakshmi
5. R.S.Gowri

... Petitioners

Vs.

1. The Co-operative Sub Registrar (Housing),
Tambaram, 1st Circle,
No.18, Vardharajan Street,
Vedhachalam Nagar,
Chengalpattu – 603 001.
2. The Deputy Registrar (Housing),
Chengalpattu Range,
Chengalpattu.
3. The Registrar of Co-operative Societies (Housing),
No.493, Anna Salai, TNHB Complex II Floor Annex,
Nandanam,
Chennai 600 035.



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4. The Mamallan Co-operative Housing Societies,
Mamallan Nagar, G-2085,
Rep. by its Secretary,
No. 36, Mahendra Pallavan Street Mamallan Nagar,
Kanchipuram - 635 502.
5. The Deputy Director
Town & Country Planning, No.13,
Vardarasanar Street,
Vedhachalam Nagar,
Chengalpattu.
6. The Block Development Officer,
Sirukaveripakkam Panchayat Union,
Kanchipuram District.
7. K.Shanmugam ... Respondents

Prayer: The petiton filed under Order XLVII Rule 1 read with Section 114 of CPC to allow the review application and set aside the judgment order dated 22.01.2025 passed by this Court in W.P.No.27234 of 2019 and pass such further or other orders as this Honble Court may deem fit and proper in the facts and circumstances of the above case and thus render justice.

For Petitioner	: Mr.S.Parthasarathy Senior Counsel Suhrith Parthasarathy
For R1 to R6	: Mr.S.Ravikumar Special Government Pleader
For R7	: Mr.N.Sivaprakash



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ORDER

On 18.09.2025, when the review petition came up for consideration, this Court had passed the following order:-

"The Review Petition has been filed seeking reconsideration of the order of this Court dated 22.01.2025 passed in W.P.No.27234 of 2019 and W.M.P.No. 26639 of 2019.

2. In the said order, it was observed in Paragraph No.3 as follows:-

"3. It is informed that such proceedings under Section 87 have also been initiated once that has been initiated, the report under Section 81 submerges and is of no value. It forms the basis for further proceedings but a challenge cannot be made to a report under Section 81 of the Act. The respondents have moved further and have initiated further proceedings."

3. Mr.S.Parthasarathy, learned Senior Counsel, while arguing the Review Application, pointed out to an information received under the Right to Information Act, 2005, wherein it had been disclosed that, in fact, proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as "the Act") had not been initiated.

4. It is therefore contended by the learned Senior Counsel that the premise on which the impugned order was passed namely,



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that proceedings under Section 87 of the Act had also been initiated is factually incorrect, and that this Court had misconstrued the arguments advanced during the earlier hearing.

5. Pursuant to the notice issued, Mr.S.Ravikumar, learned Special Government Pleader for Co-operative Societies, appeared through online mode and also confirmed that proceedings under Section 87 of the Act had not been initiated against P.Radhakrishnan, who was the writ petitioner.

6. In the light of this factual position, the reasoning of this Court in dismissing the writ petition on the ground that proceedings under Section 87 of the Act had been initiated and hence, there could be no challenge to the report under Section 81 of the Act, requires reconsideration. This observation constitutes an error apparent on the face of the record, and accordingly, it is liable to be corrected. Therefore, the Review Application must be allowed, and the order dated 22.01.2025 passed in W.P.No.27234 of 2019 and W.M.P.No.26639 of 2019 must be recalled and the Writ Petition and the connected Miscellaneous Petition should also be placed before the appropriate Court for re-hearing.

7. At this juncture, Mr.S.Parthasarathy, learned Senior Counsel for the review applicant, submitted that the learned counsel for the seventh respondent had not been informed about the Review Application. It would be appropriate to put the learned counsel for the seventh respondent on notice regarding the filing of the Review Petition. Information regarding the next hearing date, i.e., 07.10.2025, shall be communicated to the learned counsel, who had appeared for the seventh respondent.”

2. Thereafter, notice has been directed to the 7th respondent and notice has been served and Mr.N.Sivaprakash, learned counsel have also filed Vakalat on behalf of the 7th respondent. But however, as already



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pointed out in the order dated 18.09.2025, the order in the writ petition was passed on the premise that proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983 had been initiated against the writ petitioner but as a matter of fact, it has not been initiated. This requires therefore, the re-visitation of the order already passed granting permission to the writ petitioner and to the learned counsel appearing for the respondents to advance arguments on merits.

3. In view of the above reasoning, the review petition stands allowed. Registry is directed to list the writ petition in W.P.No.27234 of 2019 before the appropriate Court holding portfolio to hear the writ petition of the year 2019. No costs.

13.10.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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