



W.P.(MD)No.5179 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5179 of 2025

Mumtaaz Salautheen

: Petitioner

Vs.

1. The Deputy Registrar,
Madurai District Co-Op Society,
No.187, North Veli Street,
Madurai 625 001.

2. The Special Officer of the Defunct,
Madurai Urban Co-Operative Bank
Madurai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass necessary order qua the petition dated 25.09.2024, in line with the order dated 11.07.2019 passed by him in his proceedings Na.Ka. 5779/2014 dated 11.07.2019, by raising the order of attachment in respect of Plot No.5 admeasuring 1175 5/8 sq.ft comprised in Survey No. 190/3 of Madalulam Village.



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For Petitioners : Mr. S.Natesh Raja

For Respondents : Mr.C.Venkatesh Kumar

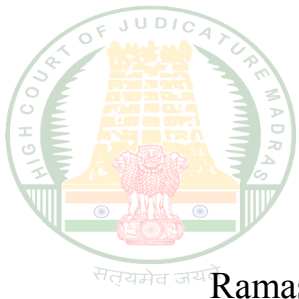
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to pass necessary order pertaining to the petition dated 25.09.2024, in line with the order dated 11.07.2019.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that he purchased the western portion of Plot No.5, measuring 1175/5/8 sq.ft, in Survey No. 190/3 of Madakulam Village, Madurai, through a registered sale deed dated 19.08.1998. The property originally belonged to Advocate V.S.

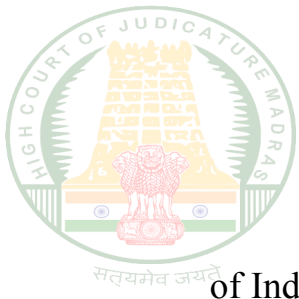


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Ramasubramanian Iyer and was later allotted to his son, R.Venkateshwaran. The petitioner's vendor, Dhanushkodi, purchased 20 cents from Venkateshwaran and later sold the western portion of Plot No. 5 to the petitioner. After constructing a building on the land, the petitioner discovered that the property had been attached by the Deputy Registrar of Cooperative Societies due to misappropriation of funds by V.S. Ramasubramanian. However, the petitioner was clarified to that effect the subject property in issue is a separate property of Venkateshwaran and the same was not purchased with misappropriated funds. Despite submitting petition on 25.09.2024 to the first respondent requesting removal of the attachment, no response was received and therefore, the petitioner is constrained to file the present writ petition.

4. It is needless to point out that whenever a petition of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the petition by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution



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of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's petition dated 25.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondents, to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

26.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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