



W.A.(MD)No.920 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.920 of 2022
and
C.M.P.(MD)Nos.7661 and 7663 of 2022**

1.Ariyanatchi

M.Rajkumar (Died)

2.Lalithambigai

3.Pandiarajan

4.Vedavalli

5.Jagadeeswari

6.Chandrika

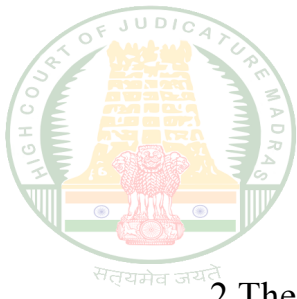
7.Pavithra

8.Sasikumar

... Appellants

Vs.

1.The Registrar of Co-Operative Societies (Housing),
No.492, Annasalai TNHB Complex,
2nd Floor, Nandanam, Chennai.



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2.The Deputy Registrar of Co-Operative Societies (Housing),
No.3, T.T.Salai, Manimangaram,
Virudhunagar Region,
Virudhunagar District - 626 001.

3.The Special Officer,
Tamilnadu Government Officials
Co-Operative House Site,
(MDA HSG HSG 45) Society, Karaikudi.

4.Thangam,
Rep. by her Power of Attorney,
K.Murthukrishnan.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow
the writ appeal by setting aside the order dated 11-07-2022 made in
W.P.(MD)No.11625 of 2010 on the file of this Court.

For Appellants : Mr.S.Ramsundarvijayaraj

For Respondents : Ms.P.B.Ahamad Yasmin Parveen,
Government Advocate for for R1 to R3.
Ms.V.Jeyarani for R4.

JUDGMENT

Heard both sides.



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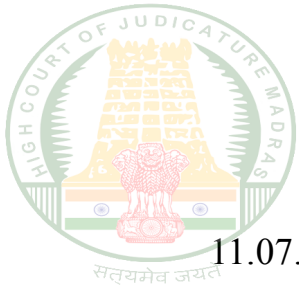
2.The petition mentioned plot was allotted to one Muthukaruppan in the year 1985. Since Muthukaruppan did not put up any construction within the stipulated period, the allotment was cancelled in the year 1994. It was re-allotted in favour of one Thiagarajan in the year 1995. Thiagarajan gave power of attorney to one Muthukrishnan on 22.01.2004. Based on the same, Muthukrishnan sold the property to his own daughter / Thangam Kannapiran on 09.12.2004. Subsequently, the legal heirs of Muthukaruppan moved the Deputy Registrar (Housing), Virudhunagar and obtained an award dated 18.05.2009 to the effect that the cancellation of allotment made in favour of Muthukaruppan on 28.12.1995 was wrong. Challenging the same, Thangam Kannapiran filed revision under Section 153 of the Tamil Nadu Cooperative Societies Act, 1983 before the Registrar of Cooperative Societies (Housing), Chennai. The revision was allowed on 19.07.2010. It appears that this was questioned by Pandiarajan, son of the first allottee before the Government by filing review. It appears that the said revision was also rejected. Copy of the rejection order has not been placed before us. Be that as it may, one another petition was filed before the first respondent.



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That was again rejected vide order dated 22.09.2016 by the first respondent. Challenging both the orders that is the one allowing revision petition filed by Thangam Kannapiran on 19.07.2010 and one rejecting the petition filed by Pandiarajan on 22.09.2016, W.P.(MD)No.11625 of 2010 was filed by the legal heirs of Muthukaruppan. The writ petition was dismissed on 11.07.2022 by the learned Single Judge. Aggrieved by the same, this writ appeal has been filed.

3.The only question that calls for consideration is whether the order passed by the learned Single Judge warrants interference. It is seen that apart from filing of revision petition before the first respondent, Thangam Kannpiran had also filed O.S.No.95 of 2009 before the Additional District Munsif, Karaikudi seeking the relief of declaration and permanent injunction against the legal heirs of the first allottee namely, Muthukaruppan. The suit was decreed on 16.03.2011. Aggrieved by the same, the appellants herein filed A.S.No.29 of 2012 before the Sub Court, Devakottai. The appeal was allowed on 03.12.2012. Questioning the same, the fourth respondent herein filed S.A.(MD)No.194 of 2013. The second appeal was also allowed on



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11.07.2022. It is stated by the learned counsel for the appellants that challenging the same, SLP has been filed by the appellants.

4. When the appellants herein lost before the civil courts, the learned Single Judge was right in dismissing the writ petition. If the appellants succeed in SLP, of course, the rights of the parties will be governed accordingly. As on date, no case for interference is made out. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

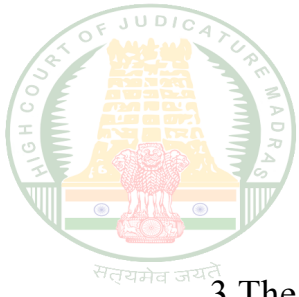
(G.R.S. J.) & (M.J.R. J.)
21.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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