



W.P.(MD)No.6621 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.6621 of 2026

and

W.M.P.(MD)Nos.5468 and 5469 of 2026

V.Mathanagopal

... Petitioner

vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Deputy Registrar (Housing),
Office of the Deputy Registrar,
Thanjavur, Thanjavur District.

3.The Secretary / Special Officer,
T.1072, the Rajarajan Co-Operative Housing Society Ltd.,
No.53, Yamunai Street,
Yagappa Nagar, Thanjavur - 613 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned cancellation of allotment order passed by the 3rd respondent proceedings in No. Nil dated 26.02.1988 and quash the same as illegal and consequently, to direct the 3rd respondent to



W.P.(MD)No.6621 of 2026

execute a sale deed in favor of the petitioner based on the sale certificate issued by 3rd respondent and also by form the road with respect to the subject property bearing Plot No-18 situated in Danial Thomas Nagar (Near Old Vallam Road), Ward No. 4, Block No-61 (Old TS No-3105, New-T S No-8), Thanjavur District, as per the layout condition.

For Petitioner	:Mr.K.Mahendran
For R1 and R2	:Mr.D.Sadiq Raja
	Additional Government Pleader
For R3	:Mr.V.K.Vijayaragavan

ORDER

The petitioner is before this Court challenging the order of cancellation of allotment passed by the third respondent dated 26.02.1988 and seeking a consequential direction to the third respondent to execute a sale deed in favour of the petitioner in respect of the allotted plot.

2. The case of the petitioner is that his father was allotted Plot No. 18 situated at Danial Thomas Nagar (Near Old Vallam Road), Ward No.4, Block No.61 (Old T.S.No.3105, New T.S.No.8), Thanjavur District.



W.P.(MD)No.6621 of 2026

According to the petitioner, his father had paid the entire sale consideration towards the allotment of the said plot. It is the further case of the petitioner that after the demise of his father, the third respondent unilaterally cancelled the allotment of the said plot by proceedings dated 26.02.1988. The petitioner contends that the said cancellation was effected without affording any opportunity of hearing and therefore the order is illegal, arbitrary and violative of the principles of natural justice. The petitioner would further state that a reply had been submitted seeking revocation of the cancellation order; however, the same has not been considered till date.

3. It is also brought to the notice of this Court that the petitioner had earlier filed a Writ Petition before this Court in W.P.(MD) No.20801 of 2021 challenging the e-tender notification issued by respondents 2 and 3 proposing to auction the very same plot. The said Writ Petition came to be dismissed by order dated 13.12.2023. Aggrieved by the same, the petitioner preferred W.A.(MD) No.1444 of 2025 before the Hon'ble Division Bench of this Court. The Hon'ble Division Bench, by order dated 11.06.2025, permitted the petitioner to withdraw the writ petition



W.P.(MD)No.6621 of 2026

as well as the writ appeal with liberty to file a fresh writ petition challenging the cancellation order dated 26.02.1988. Availing the liberty granted by the Hon'ble Division Bench, the present Writ Petition has been filed.

4. Mr. K. Mahendran, learned counsel appearing for the petitioner, submitted that the cancellation of allotment was effected without providing any opportunity of hearing to the petitioner's father and therefore the order is vitiated on account of violation of the principles of natural justice. The learned counsel would further submit that the allotment was made upon payment of the entire sale consideration and therefore the respondents cannot arbitrarily cancel the allotment after such payment. It was also contended that the present Writ Petition is maintainable in view of the liberty granted by the Hon'ble Division Bench of this Court.

5. Per contra, Mr. D. Sadiq Raja, learned Additional Government Pleader appearing for respondents 1 and 2, submitted that the Writ



W.P.(MD)No.6621 of 2026

Petition itself is not maintainable. According to him, the third respondent is a Cooperative Society and does not fall within the ambit of “State” or “other authorities” under Article 12 of the Constitution of India. He further submitted that the Tamil Nadu Cooperative Societies Act, 1983 provides an efficacious alternative remedy under Section 90 of the Act for resolving disputes between a member and the society. Therefore, the petitioner ought to have invoked the said statutory remedy instead of approaching this Court under Article 226 of the Constitution of India.

6. This Court has carefully considered the submissions made by the learned counsel appearing on either side and perused the materials placed on record.

7. The impugned order of cancellation is dated 26.02.1988. Be that as it may, even without delving into the question of delay and laches, this Court is of the view that the present Writ Petition is not maintainable for another reason. The third respondent is a Cooperative Society and it does not fall within the definition of “State” under Article 12 of the



W.P.(MD)No.6621 of 2026

Constitution of India. Further, Section 90 of the Tamil Nadu Cooperative Societies Act, 1983 provides a specific and efficacious statutory remedy for resolution of disputes between a member and the society. Therefore, the petitioner ought to have invoked the said remedy available under the statute.

8. Though the Hon'ble Division Bench of this Court had granted liberty to the petitioner to file a fresh writ petition challenging the cancellation order, such liberty cannot be construed as a direction to entertain the writ petition irrespective of its maintainability. The power of this Court under Article 226 of the Constitution of India to examine the maintainability of a writ petition always remains intact. When an effective statutory remedy is available under the Act, this Court would ordinarily refrain from exercising its extraordinary jurisdiction.

9. In view of the above discussion, this Court is of the considered opinion that the present Writ Petition is not maintainable. Accordingly, the Writ Petition stands dismissed. However, liberty is granted to the



W.P.(MD)No.6621 of 2026

petitioner to work out his remedy before the appropriate forum in accordance with law. No costs. Consequently, the connected miscellaneous petitions are closed.

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

10.03.2026

cmr

To

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Deputy Registrar (Housing),
Office of the Deputy Registrar,
Thanjavur, Thanjavur District.

3.The Secretary / Special Officer,
T.1072, the Rajarajan Co-Operative Housing Society Ltd.,
No.53, Yamunai Street,
Yagappa Nagar, Thanjavur - 613 007.



WEB COPY



W.P.(MD)No.6621 of 2026

HEMANT CHANDANGOUDAR, J.

cmr

W.P.(MD)No.6621 of 2026

10.03.2026