



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.06.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD).No.14302 of 2014

Vidya Shankara Apartments Owners Association,
(Regn.No.131/2010),
rep.by its President Mr.N.S.Raman,
S/o.K.Somasundaram,
Block No.6, G4,
Vidya Shankar Apartments,
10th Street, 'C' Colony,
Perumalpuram
Tirunelveli District-627 007. ... Petitioner

Vs

1.The District Registrar,
Palayamkottai, Tirunelveli.

2.Palayamkottai Perumalpuram Vidhy Shankara
Residential Welfare Association,
rep.by its President S.Krishnammal,
T2, 2nd Block, Vidhya Sankara Apartments,
10th Street, C-Colony, Perumalpuram,
Tirunelveli District. ... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 18.11.2013 for cancellation of registration of the second respondent as per Section 9(B) and 9(C) of the Tamil Nadu Societies Registration Act.

For petitioner	: Mr.M.Sureshkumar
For R.1	: Mr.N.S.Karthikeyan Government Advocate
For R.2	: Mr.R.Raheswaran

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 18.11.2013 for cancellation of registration of the second respondent as per Section 9(B) and 9(C) of the Tamil Nadu Societies Registration Act.

2. The learned Counsel for the petitioner would submit that the petitioner is the President of Vidya Shankara Apartments Owners Association. It is stated that the association has questioned the promoter with regard to the deficiencies that were committed in the construction even though the same were promised in the agreement. It is further stated that in order to grudge against the said association, a new association in the identical name was started by the promoter. In this regard, the petitioner association has made a representation to the



first respondent as early as on 18.11.2013, however, no action has been taken by the respondents forcing the petitioner to file this Writ Petition.

3. The second respondent through his counter affidavit would submit that by no stretch of imagination it can be said that the petitioner's association as well as the second respondent association would confuse each association and the allegation of the petitioner made in this Writ Petition is stoutly denied in the counter affidavit of the second respondent. According to the second respondent, this Writ Petition is misconceived, as there is no bona fide interest involved in it.

4. A careful perusal of the materials available before this Court would reveal the fact that the dispute involved in this Writ Petition is civil in nature. Hence, without going into the merits of the claim of the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 18.11.2013 on merits and in accordance with law after giving an opportunity of hearing to the petitioner as well as the second respondent and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. Both parties are directed to place substantial materials before the first respondent to substantiate their claim.

With the above direction, this Writ Petition stands disposed of.
Sd/-

The Assistant Registrar(AE)

/True copy/

Sub-Assistant Registrar

To

The District Registrar,
Palayamkottai, Tirunelveli.

+1cc to Mr.M.Suresh Kumar, Advocate SR.No.31103
+1cc to Mr.G.Prabhu Rajadurai, Advocate SR.No.30968

ssm

Sm:23.06.2015:2P/4C

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