

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19650 of 2018 and
W.M.P.Nos.23083 & 23084 of 2018

A.Sandhya

.. Petitioner

Vs.

1.The District Registrar,
South Chennai, No.9, Jenis Road,
Saidapet, Chennai - 600 015.

2.The Sub Registrar,
Avadi, Thiruvallur District.

3.Newry Properties Private Limited
rep by its General Manager,
Newry Grandeur, No.19, Old No.11, B-Block,
2nd Avenue, Anna Nagar East,
Chennai - 102. .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents 1 & 2 not to register any Association from Newry
Celestial Flats situated at Plot No.2, Avadi Poonamallee Main
Road, Paruthipattu, Avadi, Chennai - 600 071 without thorough
inquiry as per law and also directing the 3rd respondent not to
hand over the maintenance of the building, corpus fund and other
assets on petitioner's name to anybody except to a registered
Association by considering the petitioner's representation dated
12.06.2018, 23.07.2018 and 25.07.2018.

For Petitioner : Mr.N.G.R.Prasad for M/s.Row and Reddy

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader (R1 & R2)

O R D E R

The Writ Petition has been filed by the petitioner seeking
a direction to the respondents 1 & 2 not to register any
Association from Newry Celestial Flats situated at Plot No.2,

Avadi Poonamallee Main Road, Paruthipattu, Avadi, Chennai - 600 071 without thorough inquiry as per law and also directing the 3rd respondent not to hand over the maintenance of the building, corpus fund and other assets on petitioner's name to anybody except to a registered Association by considering her representations dated 12.06.2018, 23.07.2018 and 25.07.2018.

2.Mr.N.G.R.Prasad, learned counsel for the petitioner submitted that the Election Committee was formed to conduct election in the 3rd respondent Association. The Election Committee also decided to hold election on 17.06.2018 and various dates have been fixed for filing of nomination, withdrawal of nomination, scrutiny and publication of the list of final candidates. Unfortunately, only 5 persons for the post of Office Bearers and 9 persons for the post of Executive Members had filed their nominations. That apart, instead of holding the election on the date fixed (i.e.) on 17.06.2018, the Election Committee had held the election on 09.06.2018 and also announced the results on the same day itself, which shows that the Election Committee has arbitrarily and unlawfully held the election, which cannot be considered as free and fair election. The petitioner had also given a detailed representation on 12.06.2018 to the 1st respondent to take over the administration of the Flat setting aside the undemocratic election conducted by the Committee.

3.Here passing for a while, when the petitioner had knowledge of the election held on 09.06.2018, she should have challenged the said election by approaching the Election Tribunal in the manner known to law. The prayer in the Writ Petition seeks mandamus against the 3rd respondent, which is Newry Properties Private Limited and hence the Writ Petition is legally not maintainable.

In the result, the Writ Petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

va

To

1.The District Registrar,
South Chennai, No.9, Jenis Road,
Saidapet, Chennai - 600 015.

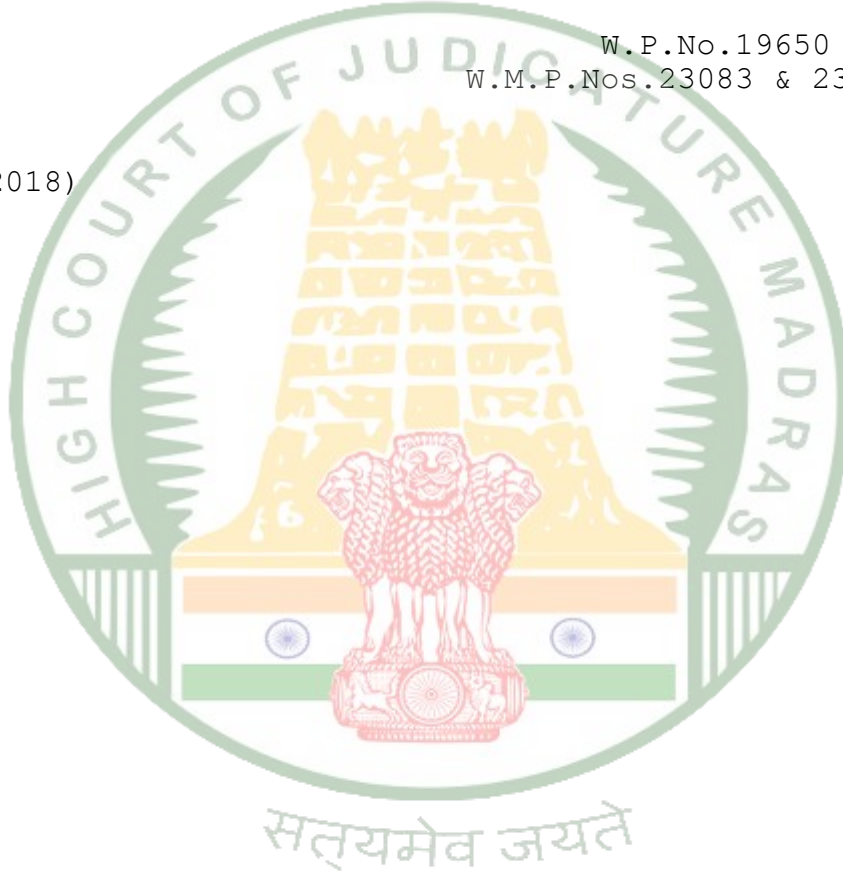
2.The Sub Registrar,
Avadi, Thiruvallur District.

+lcc to Mr.Raw and Reddy, Advocate SR.No.52708

+lcc to Government Pleader SR.No.52872

W.P.No.19650 of 2018 and
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CNR(CO)
GN(20/08/2018)



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