

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cont.P.No.233 of 2019

Y.R.Bhaskar

... Petitioner

Versus

1.R.Natarajan

The Administrator,
Chitra Avenue Flat Owners Welfare Association,
No.9, Choolaimedu High Road,
Chennai-94.

2.Balasubramaniyan

The District Registrar of Societies,
Central Chennai, No.184, Bharathi Salai,
Royapettah, Chennai.

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971 to punish the respondents for disobeying the order dated 11.01.2016 made in CRP.No.3955 of 2010 by this Court.

WEB COPY

For Petitioner : Mr.S.Jerald Lenin

For Respondents : Mr.R.Natarajan for R1

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The 14th respondent in the order dated 11.01.2016 made in C.R.P.No.3955 of 2010, alleging willful disobedience and violation of the said order, came forward to file this Contempt Petition to punish the respondents under the provisions of Contempt of Courts Act. It is relevant to extract the order which is the subject matter of contempt:

"Learned counsel for the petitioner states that the only direction he seeks in this matter is that the Administrator should finalise the accounts and do the needful to hold the elections at the earliest point of time. The Registrar of Societies / 6th respondent to monitor this aspect to ensure that the election representative are in place at the earliest.

*2.Civil Revision Petition stands disposed of.
No costs."*

2. The learned counsel appearing for the petitioner would submit that despite positive order to conduct the election to the concerned Society as expeditiously as possible, no progress has been shown and some of the members, who are practicing Advocates, are attempting to stall the election and since this is contemptuous on the part of the authorities, this Court issued notice for punishing the respondents for contempt.

3. Mr.R.Natarajan, who is the Administrator of the Society, seeks leave of this Court to investigate in this matter and this Court permitted him to do so. He has drawn attention of this Court to the typed set of documents and would submit that Cont.P.No.3040 of 2014, alleging willful violation of the order dated 13.04.2014 made in M.P.No.2 of 2014 and C.R.P.No.3955 of 2014 came to be filed and the matter is seized by the learned Single Judge of this Court and he has signed the period of the administration and membership and the eligible voters list are yet to be filed for the reason that all the members are submitting documents and the list is yet to be finalised and therefore, election could not be held unless and until election voters list takes place and would further add that since the contempt petition is still pending on the file of the learned Single Judge coupled with the fact that the present contempt petition is pending nearly for 2 years, would pray for closure of this petition for contempt.

4. Mr.Kamadevan, learned counsel is appearing for the petitioner in Cont.P.No.3040 of 2014 would submit that subsequently the Registrar of Societies, Central Chennai has issued a proceedings for winding up of the societies itself and the same is put to challenge in O.S.No.56 of 2019 on the file of the VI Assistant City Civil Court,

Chennai and therefore in the light of the said subsequent development, would pray for closure of the contempt petition.

5. This Court has carefully considered the rival submission and also perused the materials placed before it.

6. A perusal of the order dated 28.03.2016, 30.03.2016 and 05.06.2017 in Cont.P.No.3040 of 2014, would disclose that the learned Single Judge had already in seizin of the matter and the Administrator has been appointed to manage the affairs and administration of the said Society and on account of submission of various documents relating to the membership of the Society, the Administrator is unable to finalise the electoral roll and only when the list gets finalised, the question of conducting election would arise. It is also brought to the knowledge of this Court that the Registrar of Society vide proceedings in No.11372/E2/2011 dated 10.04.2011 in exercise of powers under Section 44 (3) (b) of the Societies Registration Act has also issued a show cause notice as to why the Societies should not be wound up / liquidated and various connected proceedings are also pending including Civil Proceeding in O.S.No.56 of 2018 on the file of VI Assistant City Civil Court, Chennai.

7. In the light of the above facts and circumstances, this Court is of the considered view that no contempt has been made out as alleged by the petitioner. Therefore, the present contempt petition stands closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
SK

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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PS/27/02/2019

To

1. The Administrator,
Chitra Avenue Flat Owners Welfare Association,
No.9, Choolaimedu High Road,
Chennai-94.
2. The District Registrar of Societies,
Central Chennai, No.184, Bharathi Salai,
Royapettah, Chennai.