

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.25001 of 2005

PRADEEP RENGANATHAN

... Petitioner

Vs

1 THE REGISTRAR OF SOCIETIES
CENTRAL CHENNAI
100 CHAMBERS ROAD
CHENNAI- 35

2 THE SECRETARY
CENOTAPH COURT RESIDENTS WELFARE ASSOC. NO.
28 CENOTAPH ROAD CHENNAI-18

3 INSPECTOR GENERAL OF
REGISTRATION SANTHOME HIGH ROAD
CHENNAI-4

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings No.Mu.Mu.64133/I-1/2004 dated 21.4.2005 on the file of the third respondent quash the same consequently strike down clauses 3(b) (c) and (d) of the Objects in the Memorandum of Assoc and clauses 6 (b) (c) and (d) of the byelaws of cenotaph court residents Welfare Assoc. at 28 Cenotaph Road Chennai-18 with registration No.54/2004 which are ultra vires to the Tamilnadu Apartments Ownership Act 1994.

For petitioner ... Mr.K.Moorthy

For respondents ... Mr.P.P.Purushothaman,
Government Advocate, for R-1

Mr.T.Sivanathan
for M/s.Sivanandh Associates, for R-2

O R D E R

The relief sought for in the Writ Petition is to quash the proceedings of the third respondent dated 21.4.2005 and to strike down clauses 3(b) (c) and (d) of the Objects in the Memorandum of Association and clauses 6 (b) (c) and (d) of the

bye-laws of Cenotaph Court Residents Welfare Association at 28, Cenotaph Road, Chennai-18 with registration No.54/2004, which are ultra vires to the Tamilnadu Apartments Ownership Act 1994.

2. The very relief sought for in the present writ petition is innocuous. Bye-laws or memorandum of articles cannot be challenged by way of writ petition under Article 226 of the Constitution of India. These are all disputes between private parties and the second respondent association is a registered one and the bye laws and the memorandum of association were approved by the District Registrar under the provisions of the Registration Act. In the event of any grievance, it is left open to the writ petitioner to approach the competent civil court for the purpose of redressing such grievance.

3. The learned counsel for the respondent informed this court that the petitioner had already filed a civil suit in O.S.No.2246 of 2004 and it was disposed of on 31.10.2004. Yet another suit was also filed by the writ petitioner in O.S.No.4292 of 2005.

4. In view of the fact that the petitioner has already approached civil court in order to redress his grievances, the present writ petition deserves no merit consideration. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 THE REGISTRAR OF SOCIETIES
CENTRAL CHENNAI
100 CHAMBERS ROAD
CHENNAI- 35
- 2 THE SECRETARY
CENOTAPH COURT RESIDENTS WELFARE ASSOC. NO.
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- 3 INSPECTOR GENERAL OF
REGISTRATION SANTHOME HIGH ROAD
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+1 cc to the Government Pleader, S.R.No.4023

W.P. No.25001 of 2005

VSN-II (CO)
SSM(11/03/2019) .