

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28344 of 2018

K.S.Satyaprakash

Petitioner

Vs

1. The District Registrar (Administration) cum Registrar of Societies, Chennai South, SIDCO Electronic Complex, 2nd Floor, Thiru-vi-ka Industrial Estate, Guindy, Chennai- 600 032.

2. The Inspector General of Registration, 100, Santhome High Road, Mylapore, Chennai- 600 028.

3. Olympia Grande Apartment Owners' Welfare Association, Rep. by its Secretary, Registered Office No.328, GST Road, Pallavaram Chennai-600043

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 12.10.2018 received by the first respondent on 15.10.2018, requesting the first respondent to nominate a subordinate officer to be present at the Extraordinary General Meeting to be held on 28.10.2018 or any subsequent date.

For Petitioner : Mr.S.Dayaleswaran

For Respondents: Mr.T.M.Pappiah

Special Government Pleader for R1 and R2

Mr.C.Umashankar

for Mr.M.Selvam for R3

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to consider the petitioner's representation dated 12.10.2018, requesting

the first respondent to nominate a subordinate officer to be present at the Extraordinary General Meeting to be held on 28.10.2018 or any subsequent date.

2. The case of the petitioner is that the petitioner is the owner of an apartment viz., Olympia Grande, by virtue of the Sale deed dated 20.04.2015. The owners of the apartments have formed an association, which was registered on 23.11.2016, under the Tamil Nadu Societies Registration Act, 1975. While so, on 27.08.2018, alleging mismanagement of the association, a representation was given by the Olympia Grade Apartment owners to the respondents. But, no action has been taken by the respondents. According to the petitioner, the third respondent association had contravened the provisions of the rules and wilfully failed to comply with the terms of the statute. Therefore, the representation was given by the petitioner,

along with 22 members as early as on 12.10.2018 to the respondents, requesting them to look into the matter and to take appropriate action. Since no action has been taken till date the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the enquiry has not yet been completed.

5. That being the factual position, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 12.10.2018, sent by the petitioner by conducting a detailed enquiry and pass orders on merits and in accordance with law, after issuing notice to the petitioner and also affording due opportunity of hearing to him as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Registrar (Administration) cum
Registrar of Societies, Chennai South,
SIDCO Electronic Complex,
2nd Floor, Thiru-vi-ka Industrial Estate,
Guindy, Chennai- 600 032.
2. The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai- 600 028.

+1cc to Mr.M.Selvam , Advocate SR.No. 8688
+1 CC TO GOVERNMENT PLEADER SR.NO. 9761

W.P.No.28344 of 2018

A.SK(25/02/2019)



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