

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3212 of 2021
and
WMP No.3762 of 2021

1.G.Karthik
2. Arvind Rajan
3. Meenalochani Chander
4. E.S.Kumar
5. Franklin
6. Vanitha
7. Victor
8. Mukundan
9. R.P.Sivaram
10. Sundar
11. V.R.Palaniappa
12. Kaushik
13. Saravana Kumar
14. Venkatesh
15. Junojames
16. R.Vellayappan

... Petitioners

Vs

1. The Registrar of Societies (South)
No.537, Pernpet, Nandanam
Chennai - 600 035.

2. Bhaggyam Pragathi Owners Welfare Association,
Represented by its Secretary,
"Bhaggyam Pragathi"
Sapthagiri Nagar Main Road,
Karapakkam,
Sholinganallur Taluk,
Chennai District,
Chennai - 600 097.

3. M/s.Bhaggyam Constructions,
Represented by itsProprietor,
V.Ramaswami

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing

the 1st respondent to consider the representation dated 28.09.2020 and subsequent representations dated 14.10.2020 and 27.10.2020.

For petitioners	... Mr.V.Meenakshisundaram
For respondents	... Mr.T.M.Pappaiah Special Government Pleader

ORDER

Mr.T.M.Pappaiah, learned Special Government Pleader accepts notice for the first respondent.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to consider the petitioners representations dated 28.09.2020, 14.10.2020 and 27.10.2020, wherein the petitioners have alleged that all 3 BHK flats owners numbering 48 were not given notice prior to the registration of the second respondent association. According to the petitioners, they purchased 3BHK flats from the 3rd respondent and it is their case that without their knowledge, the 2nd respondent association was registered by the 1st respondent to protect the interest of all the flat owners. In such circumstances, the petitioners have submitted representations to the first respondent on 28.09.2020, 14.10.2020 and 27.10.2020 requesting the first respondent to conduct enquiry with regard to the alleged illegal registration of the second respondent association. Since the representations were not considered, the petitioner have approached this Court under Article 226 of the Constitution of India.

4. The case of the petitioners are that without their knowledge, the 1st respondent has registered the 2nd respondent association under the Societies Registration Act. According to them, they are owners of 3 BHK flats having purchased the same from the 3rd respondent. Hence, according to them, the Society ought to have been registered only with their concurrence. In such circumstances, they have given the aforementioned representations to the 1st respondent to conduct an enquiry to readdress their grievances.

5. Heard Mr.V.Meenakshi Sundaram, learned counsel for the petitioner and Mr.T.M.Pappaiah, learned Special Government Pleader appearing on behalf of the first respondent. Notice to the remaining respondents are dispensed with as no adverse orders are going to be passed against them in this order.

6. The relief sought for in this writ petition is an innocuous one. No prejudice will be caused to the respondents, if the representations of the petitioners are considered on merits and in accordance with law. Admittedly, till date, the enquiry proceedings have not been commenced on the petitioners representations.

7. For the foregoing reasons, this Court directs the 1st respondent to consider the petitioners representations dated 28.09.2020, 14.10.2020 and 27.10.2020 requesting the 1st respondent to conduct enquiry with regard to their grievances that the 1st respondent has registered the second respondent Society without their knowledge and pass final orders on merits and in accordance with law after hearing all the necessary parties including the 2nd, 3rd and 4th respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi2
To
The Registrar of Societies (South)
No.537, Pernpet, Nandanam
Chennai - 600 035.

+1cc to Mr.V.Meenakshisundaram, Advocate SR.No. 9430
+1 cc to Government Pleader Sr.No. 9510

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A.SK(12.03.2021)