



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.4148 of 2019
and
W.M.P.No.4655 of 2019

B. Ramesh

Vs

...Petitioner

1. The District Registrar of Societies,
South Chennai,
Guindy, Chennai-34.

2. Sri Jayendrar Flat Owners Association,
Rep. By its Secretary,
No.4/360, OM Road,
Kandanchavady, Chennai

....Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to initiate action as per Sec.36 of the Tamilnadu Societies Registration Act pursuant to the directions in Proceedings in No.6502/E2/2017 dated 18.09.2017 issued by the 1st Respondent.

For petitioner : Mr. R. Subramanian

For Respondents : Mr.P. Sathish,
Additional Government Pleader for R1

: Mr. A. Prabakaran for R2

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus, directing the 1st Respondent to initiate action as per Sec.36 of the Tamilnadu Societies Registration Act pursuant to the directions in Proceedings in No.6502/E2/2017 dated 18.09.2017 issued by the 1st Respondent.

2. The case of the petitioner is that he is one of the residents of Sri Jayendrar Colony which consists of 15 blocks containing 372 flats and the said colony was maintained



by a registered Association namely Sri Jayendrar Colony Registered Association. While being so, one more Association was formed namely Sri Jayendrar Colony Flat Owners Association wherein maintenance charges and other charges were being collected illegally from the members. Therefore, a Writ Petition was filed before this Court in W.P.No.38487 of 2015 in which this Court had passed an order dated 12.04.2017 directing the Respondents to make enquiry into the affairs of the said Association. Pursuant to the which, the 1st Respondent passed an order dated 18.09.2017 directing the 2nd Respondent to submit all accounts for audit and place it in the General body meeting and the same was not complied with by the 2nd Respondent herein. Aggrieved by the same, the petitioner issued a legal notice to the bank wherein the accounts of the society are being maintained for which no action was taken. Thereafter, the petitioner made a representation on 24.11.2018 to the 1st Respondent with regard to the aforesaid issue, however, till date no action has been taken on his representation. Hence, the present Writ Petition is filed seeking the above relief.

3. The learned counsel for the petitioner submits that despite the order being passed by the 1st Respondent on 18.09.2017, the same was not complied with by the 2nd Respondent herein and the maintenance charges are also being collected by the representatives of each block which is in violation of the provision of the Tamilnadu Societies Registration Act, which resulted in the petitioner issuing legal notice to the bank concerned wherein the accounts of the society are being maintained. Since, there was no response from the bank concerned, and further the order dated 18.09.2017 has not been complied with, the petitioner made a representation dated 24.11.2018 to initiate an action against the 2nd respondent u/s 36 of the Societies Registration Act, however, till date no action has been taken on his representation which resulted in filing of the present Writ Petition.

4. Though very many grounds have been raised, the learned Counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st Respondent to consider the petitioner's representation dated 24.11.2018 and implement the order dated 18.09.2017 by the 1st Respondent, within a particular time frame fixed by this Court.

5. The learned Counsel for the respondents submits that he has no serious objection on the said order being passed and petitioner's representation will be considered and appropriate orders will be passed if there is no legal impediments within a particular time frame fixed by this Court.



6. In view of the aforesaid submissions, this Court without going into the merits of the case, issues direction to the 1st Respondent to consider the petitioner's representation dated 24.11.2018 and implement the order dated 18.09.2017 if there is no legal impediments within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

NHS

To
The District Registrar of Societies,
South Chennai,
Guindy, Chennai-34.

+1cc to Mr. A. Prabakaran, Advocate, S.R.No.63574
+1cc to Mr. R. Subramanian, Advocate, S.R.No.63977
+1cc to the Government Pleader, S.R.No.63824

W.P.NO.4148 of 2019
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NSK 27/12/2021