

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.06.2021

Coram

The Honourable Mr. Justice V.PARTHIBAN

W.P.No.11079 of 2021

and

WMP No.11728 of 2021

N. Shanmugam

...Petitioner

Vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.
2. The District Registrar (Admn.)
Chennai - South
Integrated Building for the Offices of the
Commercial Taxes and Registration Department,
Fanepet, Nandanam,
Chennai - 600 035.

....Respondents.

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to consider and pass appropriate orders on the representation of the members of the Association, "Royal Castle Owners' Association", (Regn.No.324 of 2016), situate at No.92, Thirumudivakkam Road, Thirumudivakkam, Chennai-44, including the petitioner herein dated 22.02.2021 within a time frame as may be fixed by this Court.

For Petitioner

.. Ms.P.Srividhya

For Respondents

.. Mr.Sajeevi Kumar
Spl.Govt.Pleader

ORDER

The case of the petitioner is that he is one of the members of the residential Association and he is being aggrieved by the mismanagement of the Association by the present office bearers. According to the petitioner, he has made a representation to the 2nd respondent to take action against the association by conducting investigation into the affairs of the Association.

2. The affidavit contains number of facts pointing out the mismanagement of the Association by the present office bearers and from the entirety of the affidavit, it could be seen that it is a private dispute among the association members which cannot be brought within the realm of public law remedy under Article 226 of the Constitution of India. The adjudication of such dispute, certainly involved investigation of facts which cannot be undertaken by this Court in its exercise of jurisdiction under Article 226 of the Constitution of India. In fact, the petitioner has not even chosen to make the Association as a party respondent in this writ petition and therefore, the writ petition is liable to be dismissed on the ground of non-joinder of necessary and proper party. Even otherwise, the Writ Petition is not maintainable in the case of private dispute and the proper course available for the petitioner is to approach the civil court, if he is so advised. Therefore, the Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi
To

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.
2. The District Registrar (Admn.)
Chennai - South
Integrated Building for the Offices of the
Commercial Taxes and Registration Department,
Fanepet, Nandanam,
Chennai - 600 035.

+1cc to M/s.P.Srividhya, Advocate Sr.27536
+1cc to Government Pleader Sr.27482

W.P.No.11079 of 2021

pl(co)
Srg 13/07/2021