



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16312 of 2021
and WMP.No.17279 of 2021

Rajavenugopal

...Petitioner

Vs

1. The District Registrar of Societies,
Chennai South,
Chennai - 600 035.

2. Adithi Residents Welfare Association
rep.by its Secretary,
Adithi Apartments,
No.2, Mugalivakkam Main Road,
Porur, Chennai - 600 116.

3. Sivakumar

4. Karthik Vallioor

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing first respondent to delete the name of the 2nd respondent society as defunct under Section 44 of the Tamilnadu Societies Registration Act.

For Petitioner : Mr.K.Sakthivel

For R1 : Mr.G.Krishnaraja,
Government Counsel

O R D E R

Mr.G.Krishnaraja, learned Government Counsel takes notice for the first respondent. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.According to the petitioner, he is a member of the second respondent Society, which was formed to take care of the common areas and provide amenities to the members who are all living in the Adithi apartment and was registered with the first respondent vide Registration No.74/2001. It is the grievance of



the petitioner that the second respondent Society did not act in accordance with the bye-laws and the respondents 3 and 4 themselves proclaimed as President and Secretary of the second respondent and involved in various activities, such as, collecting huge sums of money towards maintenance and up keeping charges, non-maintenance of accounts, etc. thereby mismanaging the affairs of the Society. Hence, the petitioner made a representation dated 26.04.2021 to the first respondent, placing all the necessary materials and seeking to take appropriate action against the second respondent Society, more particularly, to conduct enquiry under Section 36 of the Tamil Nadu Societies Registration Act, 1975. However, no action was taken on the said representation, which compelled the petitioner to file this writ petition seeking a direction to the first respondent to cancel the registration or declare the second respondent Society as defunct.

3. Heard the learned counsel for the petitioner, who submitted that the second respondent, which is not functioning lawfully, has become defunct and therefore, the first respondent, on his own motion, can initiate action against the second respondent, but they failed to exercise the powers conferred under the provisions of the Act, 1975. Stating so, the learned counsel sought appropriate direction to the first respondent in this regard.

4. On the other hand, the learned Government counsel taking notice for the first respondent fairly submitted that based on the materials provided by the petitioner and in accordance with the provisions of the Act, 1975, the first respondent would consider the representation of the petitioner dated 26.04.2021 and pass orders, within a time to be fixed by this court.

5. In view of the above, this Court directs the first respondent to consider the petitioner's representation dated 26.04.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as respondents 3 and 4, within a period of eight weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

1. The District Registrar of Societies,
Chennai South,
Chennai - 600 035.

2. The Secretary,
Adithi Residents Welfare Association
Adithi Apartments,
No.2, Mugalivakkam Main Road,
Porur,
Chennai - 600 116.

+1cc to Mr.K.Sakthivel, Advocate, S.R.No.39218

W.P.No.16312 of 2021

PMK[co]
NSK 23/09/2021