



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5383 of 2016
and WMP.No.4693 of 2016

Sivalingam

Vs

...Petitioner

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

2.The District Registrar (Societies),
Chennai South,
No.9, Jeans Road,
Saidapet, Chennai - 600 015.

3.Jains Pebble Brook Flat Owners Association
Represented by the Secretary,
2-A, Mahalakshmi Flats,
No.28, Arunachalam Road, Saligramam,
Chennai - 600 093.

4.Mr.A.Shanmugam,
The President,
Jains Pebble Brook Flat Owners Association,
Block 9, Door #FH (First Floor),
Madha Koil Road, Okkiam Pettai,
Thoraipakkam, Chennai - 600 097

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to enquire into the complaint given by the petitioner and his co-residents dated 09.02.2016 and cancel the recognition accorded to the Jains Pebble Brook Flat Owners Association bearing Registration No.197/2014.

For Petitioner	:	No appearance
For R1 & R2	:	Mr.G.Krishnaraja, Government Counsel
For R3	:	Mr.M.L.Ganesh



ORDER

The petitioner is one of the occupants of the residential flats in the apartment complex named as Jains Pebble Brook Flat, which consists of 620 flats. According to the petitioner, at the time when the initial construction of the apartment complex commenced, 9 flat owners have commenced the third respondent Association, which is being controlled and regulated unilaterally by the fourth respondent. It is the grievance of the petitioner that unilaterally conditions are imposed by the third and fourth respondent in the matter relating to collection of maintenance amount, creation of corpus fund from and out of the maintenance amount and utilisation of the amount for common amenities. In effect, it is the grievance of the petitioner that the flat owners were never consulted in any of the matter relating to the affairs of the maintenance of the flats. Even in the General Body meeting convened by the third respondent association on 19.04.2015 presided over by the fourth respondent, several objections raised by the individual flat owners were rejected unilaterally by the fourth respondent. It is also contended by the petitioner that the Memorandum of Association and the Rules and Regulations are flouted by the fourth respondent which has crippled the rights of the individual flat owners. Therefore, on 09.02.2016, the petitioner has given a complaint to the second respondent, specifically pointing out the breach of the Memorandum of Association and the bye-laws of the third respondent Society by the fourth respondent, however, so far, no action has been taken. Therefore, the petitioner has come up with this writ petition.

2. There is no representation for the petitioner. Similarly, there is no representation for the contesting fourth respondent, against whom, the petitioner has made serious allegations with respect to breach of the provisions contained in the Memorandum of Understanding and the bye-laws of the third respondent society. In such view of the matter, without expressing any opinion as to merits, the second respondent is directed to consider the representation dated 09.02.2016 submitted by the petitioner, if not considered earlier, conduct an enquiry in the presence of the petitioner, the fourth respondent and other interested persons, if any, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



WEB COPY

3. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1.The Inspector General of Registration,
Santhome, Chennai - 600 004.

2.The District Registrar (Societies),
Chennai South,
No.9, Jeans Road,
Saidapet, Chennai - 600 015.

+1cc to Government Pleader Sr No.40396

WP No. 5383 of 2016

PCH (CO)
PR (14/09/2021)