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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20685 of 2019

R.Saravana Kumar

... Petitioner

vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar (Administration) /
Registrar of Societies,
District registrar's Office,
New Pet,
Krishnagiri - 635 001.
3. The Springdale House Owners Welfare Association (SHOWA)
Represented by its Secretary,
Springdale, Club House Room No.1,
Karapslli, Onnalavadi Post,
Rayakotta Road,
Hosur - 635 109.
4. The Block Development Officer
Special Officer - In charge,
Onnalavadi Panchayat,
Hosur Taluk,
Hosur - 635 109.
5. Aswani Properties India Pvt Ltd.,
No. 50/7, MSR Complex, 2nd Floor,
39th Cross, 16th Main,
Jayanagar 4th T Block,
Bangalore - 560 041,
Karnataka.

... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the registration of house owner association namely Springdale House Owners Welfare Association (SHOWA), Karapallai, Onnalvadi P.O., Hosur, Krishnagiri District



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by considering the petitioner's representation dated 26.07.2017.

For Petitioner : Mr.R.jayaprakash

For R1, R2 and R4 : Mr.Yogesh Kannadasan
Special Government Pleader

For R3 : Ms.S.P.Arthi

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to cancel the registration of house owner association namely Springdale House Owners Welfare Association (SHOWA), Karapallai, Onnalvadi P.O., Hosur, Krishnagiri District by considering the petitioner's representation dated 26.07.2017.

2. The case of the petitioner is that the petitioner is one of the resident under the Springdale House Owners Welfare Association (SHOWA), Karapallai, Onnalvadi P.O., Hosur, Krishnagiri District. While being so, an association of house owners of the said layout was formed by the 3rd respondent with its limited members and registered under the Tamil Nadu Societies Registration Act, 1975. The petitioner was asked to pay association fees, membership fees and maintenance charges. The petitioner is not a member of the said association and therefore, according to the petitioner, there is no legal obligation for him to pay any of the demand made by the 3rd respondent. However, the petitioner was issued a show cause notice dated 12.04.2017 stating that as per the Clause 14 of the 3rd respondent's by-laws, if the petitioner failed to pay the association fees, he will not be provided with any basic amenities.

3. The learned counsel for the petitioner further alleged that there was no election conducted to select the office bearers of the 3rd respondent's association and illegal demand made for huge amount from the petitioner. Therefore, the petitioner made a representation dated 26.07.2017 before the 1st and 2nd respondents to cancel the registration of the 3rd respondent's association.

4. Admittedly, the petitioner is not a member of the 3rd respondent's association. That apart, it is purely civil litigation between the petitioner and the 3rd respondent herein. Even according to the petitioner, the 3rd respondent demanded all amenities charges to maintain the entire houses situated in the Springdale House Owners Welfare Association (SHOWA), Karapallai, Onnalvadi P.O., Hosur, Krishnagiri District. The petitioner is



not being a member of the 3rd respondent's association, he cannot challenge the registration of the 3rd respondent's association. That apart, the entire dispute in this writ petition is purely civil in nature and the writ petition is not at all maintainable. Therefore, this Writ Petition is devoid of merits and it is liable to be dismissed.

5. Accordingly, the writ petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar (Administration) /
Registrar of Societies,
District registrar's Office,
New Pet,
Krishnagiri - 635 001.
3. The Block Development Officer
Special Officer - In charge,
Onnalavadi Panchayat,
Hosur Taluk,
Hosur - 635 109.

+1cc to Ms.S.P.Arthi, Advocate, S.R.No.63920

+1cc to Mr.R.jayaprakash, Advocate, S.R.No.64136

+1cc to the Government Pleader, S.R.No.64334

W.P.No.20685 of 2019

PL(CO)
CT/16/12/2021