



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25791 of 2021

Bharat Balar,
Rep by its North Town Privar Team,
Flat No.T4, 404, Door No.4/5/6/7,
Stephenson Road,
North Town Estate,
Perambur, Chennai-600 011.

...Petitioner

vs.

The Registrar of Societies,
Chennai Central,
Royapettah,
Chennai-600 014

...Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to let the Arihant North Town Owners & Residents Welfare Association (ANTORWA)-Regd.No.303/2018, the petitioner to peacefully conduct the election in ANTORWA as scheduled.

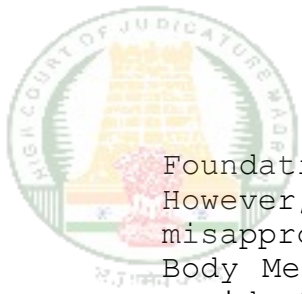
For Petitioner : Mr. K. Gajendran
For Respondent : Mr. P. Sathish,
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking issuance of a Writ of Mandamus, directing the respondent to let the Arihant North Town Owners & Residents Welfare Association (ANTORWA)-Regd.No.303/2018, the petitioner to peacefully conduct the election in ANTORWA as scheduled.

2. Mr. P. Sathish, Additional Government Pleader takes notice for the respondent.

3. The case of the petitioner is that he is a resident of the Arihant North Town Apartment registered as a Society under Societies Act under the name of Arihant North Town Owners & Residents Welfare Association(ANTORWA) which consists of five phases, wherein an election was conducted by the builder Arihant



Foundation in the year 2018, in which 22 members were elected. However, due to mismanagement, the funds of the society were misappropriated. Subsequently, in the year 2021, Annual General Body Meeting was conducted by the ANTORWA Society consisting of residents from all communities and the process to conduct new elections and elect new members was commenced. Such being the case, two of the phases of the ANTORWA society namely Chetna & Ekanta is intending to form a new nominated team comprising of only a particular phase in the community which is affecting the peace of the gated community. In this regard, for the conduct of the election, in the absence of elected members, the petitioner submitted a representation before the respondent on which no orders have been passed till date. Therefore the present Writ Petition is filed seeking the above relief.

3. Heard the learned counsel on the either side and perused the materials available on record.

4. A perusal of the typed set of papers reveal that the petitioner has already submitted a complaint/representation to the respondent for the conduct of the election. However, till date, no order seem to have been passed on the said representation. Therefore, this Court, without going into the merits of the issue, directs the respondents to consider the petitioner's representation regarding conduct of election to the association in accordance with the relevant Act, Rules and the By-laws and pass orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. This Writ Petition is accordingly disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

The Registrar of Societies,
Chennai Central,
Royapettah, Chennai-600 014.

+1cc to Mr.K.Gajendran, Advocate, S.R.No.64668

+1cc to the Government Pleader, S.R.No.65265

W.P.No.25791 of 2021

PA[co]

NSK 12/01/2022