



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12651 of 2021

and

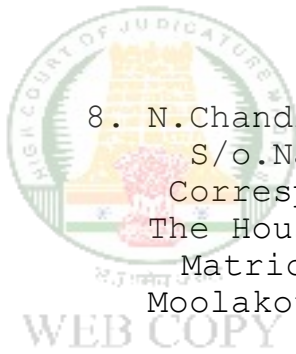
W.M.P(MD) No.9865 & 9867 of 2021

WEB COPY

Housing Board House Owners Welfare Association (Regd.No.3/1984)
Rep. by it's Member,
Panchavarnam,
S/o. Ulagan,
No.33-E, Moola Kothallam Street,
Ramanathapuram - 623 501. ... Petitioner

Vs.

1. The Director of Matriculation Schools,
DPI Campus, Chennai - 600 006.
2. The District Collector,
Ramanathapuram,
Ramanathapuram District.
3. The District Registrar (Society Registration)
The District Registrar Office,
Ramanathapuram,
Ramanathapuram District.
4. The Chief Education Officer,
Ramanathapuram,
Ramanathapuram District.
5. The Tahsildhar,
Ramanathapuram Taluk,
Ramanathapuram District.
6. The Housing Board Owners Welfare Association
Matric School Trust rep. by its Secretary,
Moolakothalam,
Ramanathapuram,
Ramanathapuram District.
7. L.Shanmugarajan,
President,
The Housing Board Owners Welfare Association
Matric School Trust,
Moolakothalam, Ramanathapuram.



8. N.Chandran
S/o.Nagasundaram,
Correspondent,
The Housing Board Owners Welfare Association
Matric School Trust,
Moolakothalam, Ramanathapuram.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 3rd respondent to appoint a Special Officer for a period not exceeding one year exclusively for the purpose of constituting a new committee for the Housing Board Owners Welfare Association (3/1984) Moolakothalam, Ramanathapuram District, by conducting the election of the Association within a stipulated period of time, considering the petitioner's representation dated 26.06.2021 and grant such other reliefs and in the nature and circumstances of the case and in the interest of justice, equity and good conscience.

For Petitioner
For R-1 to R-5

: Mrs.Victoria Gowri. L
: Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 26.06.2021, wherein, the petitioner has sought for appointment of a Special Officer to take charge of the Society and to conduct an election for the appointment of new office bearers.

2. The case of the petitioner is that the Society was started in the year 1984. Thereafter, the Society was also running a School named as Housing Board Owners Welfare Association Matriculation High School at Moolakothalam, Ramanathapuram District. There were lots of disputes as among the members of the Society and it resulted in police complaint given and an F.I.R., came to be registered in Crime No.348 of 2020. That apart, there is also an allegation of misappropriation of funds of the Society. Due to this melee, the recognition that was given to the School also stood cancelled by the proceedings of the fourth respondent dated 24.06.2021.

3. In the above scenario, the petitioner has made a representation to the third respondent to appoint a Special Officer to take charge of the Society and to conduct an election for the appointment of new office bearers. Since the representation was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.



4. Heard Mrs.L.Victoria Gowri, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 5.

5. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the third respondent to consider the representation made by the petitioner on 26.06.2021 and call the petitioner, respondent Nos.6 to 8 and other interested members, for an enquiry. The third respondent shall take a decision on the representation after conducting the enquiry, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order.

7. The Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Director of Matriculation Schools,
DPI Campus, Chennai - 600 006.
2. The District Collector,
Ramanathapuram,
Ramanathapuram District.
3. The District Registrar (Society Registration)
The District Registrar Office,
Ramanathapuram,
Ramanathapuram District.



4. The Chief Education Officer,
Ramanathapuram,
Ramanathapuram District.

5. The Tahsildhar,
Ramanathapuram Taluk,
Ramanathapuram District.

6. The Housing Board Owners Welfare Association
Matric School Trust rep. by its Secretary,
Moolakothalam,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-24417[F] dated 29/07/2021)

W.P. (MD) .No.12651 of 2021
and W.M.P. (MD) Nos.9865 & 9867 of 2021
27.07.2021

SSS(CO)
KB(03.08.2021) 4P 8C