



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No. 21435 of 2021

and

W.M.P(MD)No. 18001 of 2021

V.Solairaj

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Corporation Commissioner,
Madurai Corporation,
Madurai.

4.The Revenue Divisional Officer,
O/o District Collectorate,
Madurai.

5.The Tahsildar,
Madurai North,
Madurai.

6.The District Registrar of Societies,
Madurai North,
Madurai.

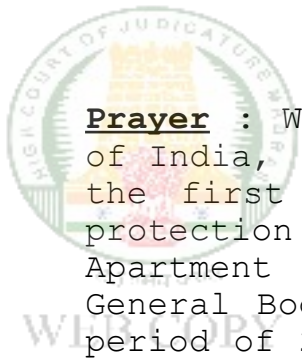
7.The Assistant Commissioner of Police,
Sellur Range,
Madurai.

8.The Inspector of Police (L&O),
Sellur Police Station,
Madurai.

9.S.Vijeyakar

10.C.Mani.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to grant permission and police protection for conducting newly registered "Madurai Parsn Srishti Apartment Owners Association" Registration No.113/2021, Annual General Body Meeting for submitting Financial year reports for the period of 2017-18 and 2018-2019, under the supervision of the sixth respondent on the basis of the petitioner's representation, dated 06.10.2021.

For Petitioner : Mr.R.Anandharaj
For R1 to R8 : Mr.D.Ghandiraj
Special Government Pleader
For R9 and R10 : Mr.R.Senthil Kumar

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the first and second respondents, namely, the District Collector, Madurai and the Commissioner of Police, Madurai City, to grant permission and police protection for conducting Madurai Parsn Srishti Apartment Owners Association Annual General Body Meeting, for submitting financial year reports for the period of 2017-2018 and 2018-2019, under the supervision of the fourth respondent/the Revenue Divisional Officer, Madurai.

2.I am informed that there are 177 residential flats in the above mentioned apartment and all of them come under the Parsn Srishti. They are broadly called as Parsn Srishti. Originally, Parsn Srishti Housing Welfare Society was a registered association. A few people who, wanted to form another association come into the lime-light and formed another association, namely, Madurai Parsn Srishti Apartment Owners Association.

3.Let me not enter into any of the controversies between the two rival associations. If they have grievances against each other, it is for the registration authorities to examine under the provisions of the act, under which they have both registered themselves.

4.Interference by the Writ Court in this matter would be highly inappropriate and would be to the disadvantage of both the parties and this Court cannot come to any conclusion on the facts as there are versions and counter versions stated. It is for the Registrar of Societies to untangle and examine all these aspects.

5.In short, the limited relief sought in the present Writ Petition is for what I would call, 'Madurai Parsn Srishti Apartment Owners Association' to conduct the General Body Meeting for submitting financial year reports for the period of 2017-2018 and



2018-2019.

6.The said association was registered only on 30.09.2021. I am not able to understand how an Annual General Body Meeting can be conducted for that association, which has been registered only on 30.09.2021. They may elect their own office bearers. They may elect their President. They may elect their Vice-President. They may elect the Executive Committee Members and anybody else, who would like opt to hold such posts. But, conducting an Annual General Body Meeting may not be within the scope of their object, as on date, within a period of just two months from the date of registration.

7.It is further stated that they want to submit the financial year reports for the period of 2017-2018 and 2018-2019. If at all they have any grievance with respect to the financial year reports already submitted nothing prevents the petitioner from enquiring the same from the Registrar of Societies, perusing those documents and thereafter, placing their objections. For this purpose, permission from the District Collector, Madurai, is not required and more certainly, the Commissioner of Police need not give any protection for that purpose. If the petitioners have any grievance they can very well send a representation by post or in person to any of the officials, who can examine the said representations.

8.The petitioner may give representations as against the rival association and the rival association may give representations against the petitioner association. Let the disputes be resolved in a different platform and not before this Court.

9.The Writ Court cannot enter a discussion on these affairs. This Writ Petition is totally misconceived and the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1.The District Collector,
Madurai District,
Madurai.



2.The Commissioner of Police,
Madurai City,
Madurai.

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Sellur Range,
Madurai.

8.The Inspector of Police (L&O),
Sellur Police Station,
Madurai.

+1CC to Mr.R.Senthil Kumar,Advocate, SR.No. 39628 dated 20.12.2021

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.

W.P (MD) .No.21435 of 2021
20.12.2021

ARK(CO)
KB(03.01.2022) 4P 10C