

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1636 of 2015

N.Suresh

..Petitioner

Vs.

- 1 The Inspector General of Registration
No.100, Santhome High Road,
Chennai-28.
- 2 The District Registrar, Chennai South
Registrar of Societies, No.9, Jeenis Road,
Saidapet Chennai-15.
- 3 The Silver Streak Apartment Welfare Association,
Rep. by its Secy. Mr.Naveen Rajukumar,
Flat D-1 Silver Streak Apartments, Medavakkam Main Road
Kilkattalai, Chennai-117 ..Respondents

Prayer :- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent 1 & 2 against the 3rd respondent to take action based on the proceedings of the 2nd respondent dated 27.8.2014 in No.1582/ E2/2014.

For Petitioner : M/s.S.Ramadhevi

For Respondent :Mr. C.Sathish
Government Advocate for R1 and R2
Mr.K.Parthasarathy
for R3

O R D E R

This writ petition was filed for the issue of writ of Mandamus directing the respondents 1 and 2 to take action against the 3rd respondent association based on the proceedings of the 2nd respondent dated 27.08.2014.

2. The case of the petitioner is that he is owner of a flat and the 3rd respondent association had committed various irregularities which resulted in preferring a complaint before the 1st respondent to take action against the association for the mismanagement. The 2nd respondent conducted an enquiry based on the complaint and through proceedings dated 27.08.2014 observed that the association should be dissolved. That apart, adverse findings were also given in the proceedings of the 2nd respondent.

3. The grievance of the petitioner is that inspite of the adverse findings given by the 2nd respondent, no follow up action was taken by the respondents 1 and 2 and hence, the petitioner was constrained to file the present writ petition.

4. The 2nd respondent has filed a counter affidavit. The relevant portion in the counter affidavit is extracted hereunder :-

5. With regard to Para 8 of the affidavit, I submit that the findings of the then Registrar are only prima-facie. Previous sanction of the authority is to be obtained for prosecuting the respondent society by submitting proof documents as prescribed under Section 52(2) of the Act. The documentary evidences are being collected to success fully prosecute the respondent. Once the evidences are collected and previous sanction is accorded, prosecution will be instituted before the appropriate court against the 3rd respondent society.

5. Heard M/s.S.Ramadhevi, learned counsel for the petitioner and Mr. C.Sathish, learned Government Advocate for respondents 1 and 2 and Mr.K.Parthasarathy, learned counsel for 3rd respondent.

6. In the considered view of this Court, considering the limited relief sought for by the petitioner, it will be appropriate to issue directions to the respondents 1 and 2 to act upon as a follow up to the proceedings of the 2nd respondent dated 27.08.2014, within the time frame fixed by this Court. Since such a direction is issued by this Court at this length of time, it goes without saying that the directions will apply only if the respondents 1 and 2 have not already acted upon the proceedings of the 2nd respondent dated 27.08.2022.

7. In the result, this writ petition is disposed of with a direction to the respondents 1 and 2 to follow up and take

appropriate action pursuant to the proceedings of the 2nd respondent dated 27.08.2014 after affording an opportunity to all the parties concerned, within a period of eight weeks from the date of receipt of the copy of this order. This direction will be undertaken if the respondents 1 and 2 have not already acted upon the proceedings of the 2nd respondent. If the follow up action has already been taken by the respondents pursuant to the proceedings of the 2nd respondent, the follow up action shall be furnished to the petitioner within a period of four weeks from the date of receipt of the copy of this order. No costs.

Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

- 1 The Inspector General of Registration
No.100, Santhome High Road,
Chennai-28.
- 2 The District Registrar, Chennai South
Registrar of Societies, No.9, Jeenis Road,
Saidapet Chennai-15.
- 3 The Secy. Mr.Naveen Rajukumar,
The Silver Streak Apartment Welfare Association,
Flat D-1 Silver Streak Apartments, Medavakkam Main Road
Kilkattalai, Chennai-117

+1cc to the Government Pleader SR.No.38991

W.P.No.1636 of 2015

RK(CO)

CB(06/07/2022)