



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11120 OF 2022

AND

W.M.P.NO.10706 OF 2022

Parvathy Street Bay View Flat Owners Welfare Association,  
18, Parvathy Street, Kalakshetra Colony,  
Besant Nagar, Chennai - 600 090.  
Rep. by its Secretary.

...Petitioner

Vs.

1. The Inspector General of Registration,  
O/o. Registrar General,  
No.100, Santhome High Road,  
Pattinapakkam, Chennai - 600 028.

2. The Registrar of Societies,  
Chennai South,  
Nandanam, Chennai - 600 035.

3. Ravindarnath

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 2nd respondent pertaining to his proceedings in Order No.000470/E2/2021 and quash the order dated 08.04.2022.

For Petitioner : Mr.R.Sivakumar

For Respondents R1 & R2: Mr.Yogesh Kannadasan, Spl.GP.

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorari to call for the records of the impugned order dated 08.04.2022 passed by the 2nd respondent in Order No.000470/E2/2021 and quash the same.



2. Learned Special Government Pleader takes notice on behalf of the 1st and 2nd respondents. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the private respondent, notice to the private respondent is dispensed with.

4. The case of the petitioner is that, the petitioner/Association's apartment namely, 'Bay View Apartment' consists of 4 Blocks, among which, the petitioner/Association is representing the owners of "C Block". There are 43 apartments in the said C Block and out of which, 40 owners are members of the petitioner/Association and the 3rd respondent is one among the 3 apartment owners, who refused to join in the said association. Further, the 3rd respondent and two other owners, who refused to join the petitioner/Association are availing all the facilities like water supply etc., without paying the monthly maintenance charge. Therefore, a legal notice dated 18.12.2021, demanding arrears of monthly maintenance charges was issued to them, which prompted the 3rd respondent to make a representation dated 22.12.2021 before the 1st respondent. Pursuant to the said complaint / representation, the 2nd respondent held inspection and directed the petitioner/Association to file their response. Accordingly, a detailed objection dated 12.02.2022 and explanation dated 14.03.2022 was submitted by the petitioner/Association, however, without considering any of the above, the 2nd respondent has mechanically passed the present impugned order dated 08.04.2022, in Order No.000470/E2/2021, for cancellation of the registration of the petitioner/Association. Aggrieved by the same, the present Writ petition is filed.

5. Though the petitioner has filed this Writ petition challenging the impugned order dated 08.04.2022 passed by the 2nd respondent in Order No.000470/E2/2021, however, he fairly conceded that as against the order passed by the 2nd respondent, there is an effective Appeal remedy available before the Appellate authority/1st respondent. Hence, he restricted the prayer and sought permission of this Court to file Appeal before the Appellate Authority / 1st respondent.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. In view of the fair stand taken by the learned counsel for the petitioner, this Court without interfering with the order under challenge, grants permission to the petitioner to file appropriate Appeal before the 1st respondent / Appellate



authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such Appeal petition, the 1st respondent is directed to consider the same on merits and dispose of the said Appeal in accordance with law as expeditiously as possible.

8. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Inspector General of Registration,  
O/o. Registrar General,  
No.100, Santhome High Road,  
Pattinapakkam, Chennai - 600 028.
2. The Registrar of Societies,  
Chennai South,  
Nandanam, Chennai - 600 035.

+lcc to Mr.R.Sivakumar, Advocate, S.R.No.32724  
+lcc to the Government Pleader, S.R.No.33033

W.P.No.11120 of 2022  
and  
W.M.P.No.10706 of 2022

SVI (CO)  
PM/01/07/2022