



WEB COPY



W.P.No.8526 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8526 of 2023 and
W.M.P.No.8710 of 2023

V.G.Selvaraja

...Petitioner

VS.

1. The District Registrar (Admn)
Chennai (Central)
No.182, Bharathi Salai,
Royapettah,
Chennai – 600 014.

2. The Secretary
M/s.Chitra Avenue Flat Owners Welfare Association,
Chitra Avenue (Regn.No.217/2003)
Jayam Block Basement
No.9, Choolaimedu High Road
Chennai – 600 094.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to depute an observer in terms of section 26(4) Tamilnadu Societies Registration Act, 1975 to monitor the Annual General Meeting of the second respondent to be held on 26.03.2023 or in any other subsequent days and to verify the membership aspect and attendance of the members of the association.



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For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader for R1

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to depute an observer in terms of section 26(4) of the Tamilnadu Societies Registration Act, 1975 to monitor the Annual General Meeting of the second respondent to be held on 26.03.2023 or in any other subsequent days and to verify the membership aspect and attendance of the members of the association.

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

3. The case of the petitioner is that the petitioner is the member of second respondent association. Further one K.Pushpalatha filed a suit in O.S.No.4645 of 2009 before the City Civil Court, Chennai to conduct elections in accordance with the amended by-laws and the same was



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decreed on 30.07.2010 and she also filed a Civil Revision Petition in C.R.P.No.3955 of 2010 before this Court seeking appointment of Advocate Commissioner to conduct elections in terms of the directions issued in O.S.No.4645 of 2009. During the pendency of the above civil revision some of the Advocate were appointed as Administrators and they also have not conducted the elections. Thereafter, the second respondent in his notice dated 01.03.2023, intimated that the Annual General Meeting of the said association will be held on 26.03.2023 with the main agenda for approving the accounts from 01.04.2009 to 31.03.2022. Though the said notice was dated 01.03.2023, till date the same is not served on the members of the association as per Rule 25 of the Tamilnadu Societies Registration Act 1975. Thereafter, the petitioner requested the first respondent to depute an observer for the proposed Annual General Meeting to be held on 26.03.2023 and the same has been duly acknowledged by the respondents. Since there is no reply, the present writ petition has been filed seeking the aforesaid relief.

4. Though very many grounds have been raised in the present writ



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petition, it would suffice if this Court issues a direction to the first respondent to depute an observer in terms of Section 26(4) of Tamilnadu Societies Registration Act, 1975 to monitor the Annual General Meeting of the second respondent to be held on 26.03.2023.

5. Learned counsel appearing for the respondents has no objection for the said order being passed.

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

7. Considering the limited relief sought for by the petitioner, this Court without going into the merits of the case, directs the first respondent to depute an observer in terms of Section 26(4) of the Tamilnadu Societies Registration Act, 1975 on or before 26.03.2023 to monitor the Annual General Meeting of the second respondent to be held on 26.03.2023 after affording an opportunity of hearing to the aggrieved persons if any.



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WEB COPY 8. This Writ Petition is accordingly disposed of. No costs.

Consequently, connected Miscellaneous petition is closed.

17.03.2023

RAP

Index : Yes/No

Speaking order : Yes/No

Note : Issue Order copy today i.e.,20.03.2023

To

The District Registrar (Admn)
Chennai (Central)
No.182, Bharathi Salai,
Royapettah,
Chennai – 600 014.



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M.DHANDAPANI, J.

RAP

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