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W.P.No.17631 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.17631 of 2022

Mr.Ajay Francis Inigo Loyola
2D, 13, Sunset Terrace,
Ramanathan Street,
Kilpauk, Chennai – 600 010.

... Petitioner

Versus

1. District Registrar (Administration),
Chennai Central,
No.182, Bharati Salai,
Pycrafts Road, Royapettah,
Chennai – 600 014.

2. Mr.Joseph Paul,

3. Mr.V.Eswaramoorthy

4. Mr.Udayakumar

5. The Branch Manager,
Punjab National Bank,
No.44, Taylors Road, Kilpauk,
Chennai – 600 010.

6. The Chief Manager, Bank of India,
Chennai Large Corporate Branch,
IV Floor, Tarapore Towers,
826, Anna Salai,
Chennai – 600 002.

... Respondents



W.P.No.17631 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the latest representation dated 03.01.2022 and thereby renew the registration of the Sunset Terrace Owners' Association in the manner best known to law and within a stipulated time period.

For Petitioner : Mr.Jittin.S
For R1 : Mr.T.Seenivasan,
Special Government Pleader
For R2, R3 & R4 : Mr.M.Nandha Kumar
For R5 : Mr.M.L.Ramesh
For R6 : Mr.Deepak Narayanan

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking to consider the representation dated 03.01.2022 given by the petitioner and to renew the registration of the Sunset Terrace Owners Association.

2. In the affidavit filed in support of the Writ Petition, it had been stated by the petitioner, Ajay Francis Inigo Loyola, that the said apartment called Sunset Terrace at Old No.13, New No.30, Ramanathan



W.P.No.17631 of 2022

Street, Kilpauk, Chennai 600 010 comprises of Owners, Tenants and Corporate guests. There are 24 units. It had been built in the year 1984.

3. The owners and other members who are in residence have formed an Association called the Sunset Terrace Owners' Association. The petitioner claims that he is a resident of the said apartment and it is not very clear whether he is a member of the said Association or not a member of the Association.

4. In the counter affidavit of the 1st respondent, the District Registrar (Administration) at Chennai Central, it had been very specifically stated that the Association had not submitted their annual statements after the year 1986-1987. The Association had been formed in the year 1985. They have filed their annual statement for only one year thereafter and they have thereafter not filed any other annual statement. Therefore, the Association itself had faced an action under Section 44(4) of the Tamil Nadu Societies Registration Act, 1975.

5. The 1st respondent had issued notice No.4946/D2/2011 on 25.03.2014 and had struck off the said Association from the Register of



W.P.No.17631 of 2022

Societies and had also published the same in the Tamil Nadu Government

Gazette No.15, Part-VI, Section-1, dated 23.04.2014.

6. It is thus seen that the petitioner is not aware of the basic detail that the said Association no longer exists and has actually been struck off.

7. He has various grievances against the 2nd, 3rd and 4th respondents. They are also residents/members of the said Association which no longer exists. The petitioner calls them as sons of “unknown”. This again is not proper. The petitioner should have disclosed all details.

8. It is also not known why the 5th and 6th respondents namely the Branch Manager, Punjab National Bank at Kilpauk in Chennai and the Chief Manager, Bank of India at Anna Salai in Chennai have been impleaded.

9. If the petitioner seeks to redress his personal grievances then, this Court under Article 226 of the Constitution of India is not the proper forum for him to vent his grievances.



W.P.No.17631 of 2022

WEB COPY

10. The Writ Petition is malafide in nature.

11. Additionally, the petitioner claims that he is also an advocate.

Using his legal acumen and his legal expertise, legal skill and legal knowledge, he should have focused on ensuring that the society which had been struck off is once again brought back to life by taking steps in accordance with the provisions of law which governs registered societies, instead of filing the present Writ Petition.

12. A mandamus as sought for by the petitioner cannot be issued.

The society has to comply with the rules and regulations as required.

13. The Writ Petition stands dismissed. No order as to costs.

19.01.2023

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:



W.P.No.17631 of 2022

WEB COPY

1. District Registrar (Administration),
Chennai Central,
No.182, Bharati Salai,
Pycrafts Road, Royapettah,
Chennai – 600 014.
2. Secretary to Government (Homes),
O/o. Ministry of Home Affairs, Government of India,
Parliamentary House, New Delhi.
3. The Secretary, University Grand Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.
4. Government of Puducherry,
Rep by its Secretary,
Directorate of Higher and Technical Education,
Tholkappian Main Road, Government Quarters,
Lawpet, Puducherry – 605 008.

C. V. KARTHIKEYAN,J.



WEB COPY



W.P.No.17631 of 2022

ssi

W.P.No.17631 of 2022

19.01.2023