



WEB COPY



W.P.No.24038 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24038 of 2017 and

W.M.P.No.25352 of 2017

M.A.Srinivasan

.. Petitioner

vs

1. The Inspector General of Registration
Santhome High Road
Chennai 600 028.

2. The Registrar of Societies
Santhome High Road
Chennai 600 028.

3. Viswakamal Residents Welfare Association
Viswakamal Apartments
62/245, RK Mutt Road
Mylapore, Chennai 600 004.

4. P.Rajendran
5. S.Ganapathy Raman
6. N.Sivakumar
7. V.Chander
8. Harish
9. C.S.Narayanaswamy
10. D.V.Muralidharan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the second respondent to strike off the name of the third respondent from its Form IV registers and consequently effect Gazette publication as provided under Section 44(4) of the Tamil Nadu Societies Registration Act, 1975.

For the Petitioner : Ms.S.P.Arthi

For the Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for respondents 1 & 2

Mr.N.L.Rajesh
Senior Counsel
for Mr.E.Jayasankar
for respondent 3

Not Ready in Notice
for respondents 4 to 10

ORDER

The writ of Mandamus has been filed to direct the second respondent to strike off the name of the third respondent from its Form IV registers and consequently effect the gazette publication, as provided under Section 44(4) of the Tamil Nadu Societies Registration Act, 1975.



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2. The petitioner is the owner of Flat No.2 in the ground floor of the building Viswakamal Apartments, No.25, R.K.Mutt Road, Mylapore, Chennai 600 004, to an extent of 1400 Sq.ft with proportionate deed dated 27.11.2014 registered as Doc. No.3496/2014 on the file of the Sub-Registrar, Mylapore. There is an alleged internal dispute between the petitioner and the third respondent / Residential Welfare Association and the petitioner submitted a complaint to the competent authority with regard to the affairs of the Residential Welfare Association under the Societies Registration Act to effect the gazette notification under Section 44(3)(b) of the Tamil Nadu Societies Registration Act, 1975, since the Association is not functioning in accordance with the Act.

3. The learned Senior Counsel appearing on behalf of the third respondent made a submission that subsequent to the notification issued under Section 44(3)(b) of the Act, the third respondent Association furnished all necessary particulars and documents on 23.09.2016, enabling the authority to consider the documents and drop all further proceedings. In



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the meanwhile, the petitioner filed the present writ petition seeking mandamus. However, the Gazette notification issued under Section 44(3)(b) of the Act has not been challenged.

4. While so, the learned Additional Government Pleader appearing on behalf of the official respondents made a submission that the files relating to the complaint given by the petitioner are containing the gazette notification, issued under Section 44(3)(b) of the Act. Thus, no final decision was taken for issuing the gazette notification under Sub-section (4) of Section 44 of the Act. Thus, the authority may be permitted to consider the issues and take a final decision with reference to the gazette notification and also the alleged complaint given by the petitioner.

5. In view of the facts and circumstances, the appropriate authority under the provisions of the Tamil Nadu Societies Registration Act shall consider the issues raised between the parties and take a final decision and pass orders, on merits and in accordance with law, by affording opportunity



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to all the parties. The said exercise is directed to be done within a period of three months from the date of receipt of a copy of this order.

6. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

Index : Yes/No
Neutral Order: Yes/No

16.03.2023

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To:

1. The Inspector General of Registration
Santhome High Road, Chennai 600 028.
2. The Registrar of Societies
Santhome High Road, Chennai 600 028.



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S.M.SUBRAMANIAM,J.

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