



WEB COPY



W.A.No.67 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.67 of 2022

R.Saravana Kumar

... Appellant

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
2. The District Registrar (Administration),
Registrar of Societies, District Registrar's Office,
New Pet, Krishnagiri 635 001.
3. The Springdale House Owners Welfare
Association (SHOWA)
Rep. by its Secretary, Springdale,
Club House Room No.1, Karapalli,
Onnalavadi Post, Rayakotta Post,
Rayakotta Post, Hosur 635 109.
4. The Block Development Officer,
Special Officer-Incharge, Onnalavadi Panchayat,
Hosur Taluk, Hosur 635 109.



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5. Aswani Properties India Pvt. Ltd.,
No.50/7, MSR Complex, II Floor,
39th Cross, 16th main, Jayanagar,
4th T Block, Bangalore 560 041,
Karnataka.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order passed in W.P.No.20685/2019, dated 03.12.2021 by allowing the writ appeal.

For Appellant : Mr. R.Jayaprakash

For Respondents : Mr.L.S.M.Hasam Fizal, Addl.Govt.Pleader
for Respondents 1 and 2.

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This intra-court appeal has been filed by the writ petitioner, as against the order of the Writ Court, declining his claim to cancel the registration of house owner association, namely Springdale House Owners Welfare Association (SHOWA).



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2. The learned counsel for the appellant submitted that the third respondent/house owner Association had claimed huge amount from the appellant. He further submitted that, the third respondent cannot demand such huge amount from the appellant, since he is not a member of the Association and hence, the appellant took necessary action by way of filing writ petition to cancel the house owner Association. However, without considering the case of the appellant/ writ petitioner in proper perspective, the learned Single Judge has dismissed the writ petition, against which, this appeal has been filed.

3. Admittedly, the appellant is not a member of the third respondent Association. Therefore, he cannot challenge the registration of the third respondent Association and the learned Judge has rightly dismissed the writ petition. However, the appellant is having remedy before the appropriate forum, as against the demand, if any made by the third respondent. In such circumstances, we are of the view that there is no merit in the writ appeal and is liable to be dismissed.



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WEB COPY 4. Accordingly, this writ appeal is dismissed. No costs.

(D.K.K.J.) (K.B.J.)

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