



W.P.No.11430 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.11430 of 2020

M.Srinivasan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Registrar of Societies,
Chennai North,
Office of the District Registrar,
Kuralagam Building,
1st Floor, Parrys Corner,
Chennai – 600 108.
- 3.Prince Village-II Flat Owners
Welfare Association,
Represented by its Secretary (Reg.No.137/2016),
Old No.18, New No.8,
Ellya Street,
Tondiarpet, Chennai – 600 081.
- 4.R.Dhayalan
- 5.D.Suresh Kumar
- 6.Anil Kumar Indoria

... Respondents



W.P.No.11430 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first and second respondents to hold an inquiry into constitution, working and financial condition of the third respondent Association including to conduct audit on the accounts of the Association under Section 36 of the Tamil Nadu Societies Registration Act, 1975, in a time bound manner and to direct the first and second respondents to take appropriate action against the third respondent as per the Circular No.45958/3/2017, dated 19.01.2018, issued by the first respondent in a time bound manner.

For Petitioner	: Mr.R.Subramanian
For Respondents	:
For R1 and R2	: Mr.Stalin Abimanyu Additional Government Pleader
For R3 to R6	: No appearance

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first and second respondents to hold an inquiry into constitution, working and financial condition of the third respondent Association including to conduct audit on the accounts of the Association under Section 36 of the Tamil Nadu Societies Registration Act, 1975, in a time bound manner and to direct the first and second respondents to take appropriate action against the third



W.P.No.11430 of 2020

respondent as per the Circular No.45958/ஐ3/2017, dated 19.01.2018, issued by the first respondent in a time bound manner.

2. According to the petitioner, he is one of the members of the Prince Village-II Flat Owners Welfare Association the third respondent herein, which has been registered under the Tamil Nadu Societies Registration Act, 1975.

3. The grievance of the petitioner is that he made a complaint on 23.07.2018 to the first and second respondents narrating the following misdeeds said to have been committed by the office-bearers of the third respondent:

- i. misappropriation of the funds;
- ii. improper maintenance of accounts of the Association;
- iii. no general body meetings being conducted and no notices were being served on the flat owners/members *et cetera*.

4. Pursuant to the same, it appears that the second respondent called the petitioner on 26.07.2019 for inquiry and the petitioner also appeared before the second respondent and he submitted the deposition and left the Office. Thereafter, the second respondent has not taken any action on the complaint lodged by the petitioner. Hence the writ petition.



W.P.No.11430 of 2020

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5. Learned counsel appearing for the petitioner submitted that already an inquiry has commenced and the deposition of the petitioner was recorded on 26.07.2019. Thereafter, there is no progress by the official respondents against the third respondent for not carrying its affairs in accordance with the Tamil Nadu Societies Registration Act, 1975.

6. Learned Additional Government Pleader appearing for the first and second respondents submitted that a detail inquiry will be conducted by the second respondent within the time frame that may be fixed by this Court.

7. In view of the above submission made by the learned counsel on either side, the second respondent is directed to conduct a detail inquiry after giving notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above observations and directions. No costs.



W.P.No.11430 of 2020

WEB COPY

11.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

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J.SATHYA NARAYANA PRASAD, J.

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W.P.No.11430 of 2020

W.P.No.11430 of 2020

11.07.2024