



WEB COPY

W.P.No.15721 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.15721 of 2020

and

W.M.P.No.19556 of 2020

R.Seetharaman
S/o Late Rajangam

... Petitioner

vs.

1. The Registrar of Companies,
Ministry of Corporate Affairs,
No.7, 2nd Floor,
Karuvadikuppam Main Road,
Muthialpet,
Pondicherry - 605 003.

2. M/s. Janani's Blossom Apartment
Flat Owners Association,
rep. by its President,
12th Street, M.Cross,
Krishna Nagar,
Pondicherry - 605 008

... Respondents

Prayer in W.P : The Writ Petition is filed under Article 226 of the constitution of India to issue a Writ of Mandamus to direct the 1st respondent to take action against the persons in the affairs of the 2nd respondent society, after conducting inspection and investigation in exercise of powers conferred under Sections 21 to 24 of the Societies Registration (Puducherry Amendment) Act 6 of 1969 by considering the



WEB COPY

W.P.No.15721 of 2020



petitioner's representation dated 10.10.2020.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Ashokkumar
ACGSC for R1
Mr.Vivekanandham
for R2

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent to take action against the persons in the affairs of the 2nd respondent society, after conducting inspection and investigation in exercise of powers conferred under Sections 21 to 24 of the Societies Registration (Puducherry Amendment) Act 6 of 1969 by considering the petitioner's representation dated 10.10.2020.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

3. Admittedly, the petitioner has already given a written complaint on 10.06.2020 as against the President and other office bearers of the said Flat Owners Association, before the Inspector of Police, Lawspet Police Station at Pondicherry, to take action against them for cheating and threatening. Again on 07.07.2020, the petitioner had given another complaint before the said Inspector of Police for the act of fund cheating



W.P.No.15721 of 2020

of the Association. On 08.07.2020, another executive member of the Association by name R.Rajasekaran had also given a complaint before the same Police Station for the act of cheating.

4. It is to be noted that the said complaints relate to criminal prosecution. Therefore, the 1st respondent/Registrar of Companies has no role to play. It is also seen that there are rival associations existing and they have conflict among themselves. Thus, the issue also relates to internal regulations of the association.

5. In view of the above, this Court is of the view that the course of action adopted by the petitioner by filing the present writ petition with the relief as stated supra is not a proper one and therefore, the writ petition is not maintainable. Hence, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition stands dismissed. If at all the petitioner is aggrieved, he can agitate the matter before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

Index :yes/No
Speaking /Non speaking order
vsi



W.P.No.15721 of 2020

To
WEB COPY

The Registrar of Companies,
Ministry of Corporate Affairs,
No.7, 2nd Floor,
Karuvadikuppam Main Road,
Muthialpet,
Pondicherry - 605 003.



WEB COPY



W.P.No.15721 of 2020

J.NISHA BANU, J.

vsi

W.P.No.15721 of 2020

28.02.2024