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W.P. No.19004 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.19004 of 2024
and
W.M.P. No.20851 of 2024

Pavithram Villa Owners Welfare Association,
Rep.by its Vice President, Mrs. Nalini S. Shastry

.. Petitioner

Versus

- 1.The District Collector,
Collectorate Campus, Coimbatore – 641 018.
- 2.The Registrar of Societies,
Coimbatore South, Arokiyasamy Road,
K.K. Pudur, Saibaba Colony,
Coimbatore South, Coimbatore – 641 038.
- 3.The District Social Welfare Officer,
Ground Floor, Old Building,
Collectorate Campus,
Coimbatore – 641 018.
- 4.The Deputy Director – Health,
219, Race Course Road,
Next to Sri Saradhambal Temple,
Race Course, Coimbatore,
Tamil Nadu – 641 018.
- 5.The Revenue Divisional Officer,
Collectorate Campus,
Coimbatore – 641 018.

6.M/s. Veeraraghavan and Co,

<https://www.mhc.tric.gov.in/judis>



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Rep.by Mr. P.V.Ramesh Sudarshanam.

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7.Pavithram Senior Living House Owners
Welfare Association,
No.122, Pavithram, S.F.No.12/1,
Pottaiyandipurambu Village,
Sokkanur Road, Kinathukadavu Taluk,
Coimbatore – 642 109.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st and 3rd respondents to take action on the petitioner's complaint dated 21.06.2024 in accordance with G.O.Ms.No.83 dated 23.11.2016; directing the 2nd respondent to take appropriate action on the representation of the petitioner dated 21.06.2024 in the matter of cancelling the registration given to the 7th respondent.

For Petitioner : Mr. T. Saikrishnan

For Respondents : Mr. L.S.M. Hasan Fizal, (for R1 to R5)
Additional Government Pleader.
: Mr. C. G. Kumar, (for R6)
: Mr. M. Surya Senthil, (for R7)
for Surana & Surana.

ORDER

This Writ petition has been filed seeking direction to the 1st and 3rd respondents to take action on the petitioner's complaint dated 21.06.2024 in accordance with G.O.Ms.No.83 dated 23.11.2016 and with a consequential direction to the 2nd respondent to take appropriate action on the petitioner's representation dated 21.06.2024 in the matter of cancelling the registration given to the 7th respondent.



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2. The case of the petitioner is that the petitioner, a Welfare Association of villa owners in Pavithram Villas, a senior living project, seeks relief from the 6th respondent, the project promoter. Formed and registered on 22.04.2024, the association aims to manage amenities and ensure peaceful living for senior citizens. However, the 6th respondent has failed to provide promised facilities, including 24/7 medical care, food, housekeeping, and security, mandated by G.O.Ms.No.83 dated 23.11.2016 – Social Welfare – Nutritious Meal Programme Department. Earlier this Court by order dated 30.06.2022 in Contempt Petition No.515 of 2018 in W.P.No.22967 of 2015 batch etc., upheld the decision to adhere the said G.O. Despite this Court's direction, the 6th respondent did not take any steps in this regard. Furthermore, they floated a parallel association to disrupt the peaceful living of villa owners, restrict membership, and manage affairs while charging exorbitant rates without forming a management committee. The act of the 6th respondent compels the petitioner to come up with prayer for the relief and protection of the villa owners right.

3. Heard the learned counsel for the petitioner and learned



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Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record. Though notice was served, none appeared on behalf of the respondents 6 & 7.

4. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the second respondent to consider and to dispose of the petitioner's representations dated 21.06.2024 within a stipulated time as may be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents 1 to 5 has not raised any objection for such order being passed and assured that, appropriate orders would be passed on the petitioner's representations within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 21.06.2024 on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the



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petitioner and aggrieved persons, if any.

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7. With the above direction, this Writ Petition stands disposed of.

No costs. Consequently, the connected miscellaneous petition is also closed.

26.09.2024

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

klt

To

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M.DHANDAPANI, J.,

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