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W.P.No.25538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25538 of 2024

Bipin Rajalingam S

... Petitioner

Vs.

1. Inspector General of Registration,
No.100, Santhom High Road,
Chennai – 600 028.

2. District Registrar (Admin)-North Chennai,
NSC Bose Road,
Kuralagam First Floor,
Esplanade Street,
Chennai – 600 108.

3. The President,
Jains Nakshtra Flat Owners Association,
No.82, Union Road, Chinna Nolambur,
Maduravoyal (PO),
Chennai – 600 095.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 2nd respondent to conduct enquiry after affording opportunity of personal hearing on reference Letter No.1064/E1/2023 dated 07.02.2024 and consequently direct the 2nd respondent to pass orders within a time frame on the reference Letter No.1064/E1/2023 dated 07.02.2024.



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For Petitioner : Mr.M.Karthikeyan
For Respondent : Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 2nd respondent to conduct enquiry after affording opportunity of personal hearing on reference Letter No.1064/E1/2023 dated 07.02.2024 and consequently direct the 2nd respondent to pass orders within a time frame on the reference Letter No.1064/E1/2023 dated 07.02.2024.

2. Since no adverse order is passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. Mr.M.Karthikeyan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that, he is a resident and owner of Flat No.11, Jains Nakshatra, Chinnna Nolambur, which was purchased as



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per Document No.4199/2008. The 3rd respondent association was formed as per the bye-laws and extant Rules to maintain and manage the Jain Nakshatra Apartment and the same is registered as Regd.No.311/2010. It is the further case of the petitioner that, he is a member of the 3rd respondent association, however, his membership was removed by the 3rd respondent, thereby, he made several representations and complaint before the 2nd respondent, pursuant to which, the 2nd respondent had issued a notice vide Letter No.1064/E1/2023 dated 07.02.2024 to the petitioner and the 3rd respondent calling the parties to appear before the 2nd respondent on 22.02.2024 for enquiry. However, till date, the 2nd respondent has not concluded the enquiry and no order has been passed. Therefore, the petitioner has filed the above writ petition before this court.

5. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 2nd respondent to conduct enquiry, after affording opportunity of personal hearing on reference Letter No.1064/E1/2023 dated 07.02.2024 and the 2nd respondent may also be directed to pass appropriate orders on the reference Letter No.1064/E1/2023 dated 07.02.2024, within a time frame that may be fixed by this Court.



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6. Learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the 2nd respondent will conclude the enquiry and pass appropriate orders, in reference Letter No.1064/E1/2023, dated 07.02.2024, as expeditiously as possible.

7. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case, directs the 2nd respondent to conclude the enquiry in reference Letter No.1064/E1/2023, dated 07.02.2024 and pass appropriate orders, after providing an opportunity of personal hearing to the petitioner and the 3rd respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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M.DHANDAPANI, J.

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