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W.P.No.34180 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

Writ Petition No. 34180 of 2024

The Arihant North Town Owners
and Resident Welfare Association
Adhoc Committee,
Represented by Hemant Varma,
North Town Apartment,
No.4,5,6,7, Stephenson Road,
Perambur, Chennai - 600 002.

.. Petitioner

Versus

The District Registrar (Admin)
(In the cadre of AIG) and,
Registrar of societies,
Central Chennai - 600 014.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the respondent to register the form
VII submitted by the petitioner dated 22.07.2024.

For Petitioner : Mr.M.Madhuprakash

For Respondent : Mr.M.Shahjahan
Special Government Pleader



W.P.No.34180 of 2024

ORDER

The petitioner herein seeks a direction to the respondent to register form VII submitted by the petitioner Association on 22.07.2024.

2. It is the case of the petitioner that he is one of the members of Arihant North Town Owners and Resident Welfare Association having been elected in the election conducted on 21.07.2024.

3. It is seen from the typed set of papers that a writ petition was filed by some of the members of the Adhoc Committee of the petitioner association in WP. No. 964 of 2024 seeking direction to the respondent to appoint a special officer to take over the administration of the association, as directed by the Inspector General of Registration in his order dated 09.10.2023 and the said writ petition is pending. In the meantime, the tenure of the erstwhile Board ended on 05.02.2024 and it was decided to conduct an emergency general body meeting on 28.04.2024 for appointing election officer. The said meeting was challenged in W.P. No. 19555 of 2024 and this Court by order dated 12.07.2024 permitted the meeting to go on. Pursuant to the order passed by this Court on 12.07.2024 in WP. Nos. 19555 the meeting of the General Body was convened in which Mr. Justice. R. Parthiban (Retd.,) was appointed as Election officer to conduct the election. Thereafter, the election was conducted and an Adhoc



W.P.No.34180 of 2024

committee was appointed to look after the administration of the association on 21.07.2024. Based on the said decision taken by the general body the petitioner, representing the Adhoc committee members submitted the form VII before the respondent. The respondent in his communication dated 25.09.2024 in letter No.6506/D2/2024 informed the petitioner that the filing of the form VII will be subject to the outcome of the order to be passed in the pending writ petitions. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner submits that in the absence of filing of form VII details by the respondent, the petitioner association could not carry out the day-to-day administration of the association and therefore, a direction need to be issued to the respondent to accept the form VII submitted by the petitioner. It is also claimed by the petitioner a general body meeting has been convened properly pursuant to the direction of this Court, while so, the respondent is not entitled to go into the validity of the conduct of election by the petitioner's association.

5. The petitioner association submitted form VII to the respondent and it was also entertained by the respondent, but it was stated by the respondent in the communication dated 25.09.2024 that the filing of Form VII will be subject



W.P.No.34180 of 2024

to the outcome of the writ petitions pending before this Court. If the form VII is not entertained by the respondent, certainly it will have a bearing on the day-to-day administration of the association. Therefore, the respondent is directed to consider the form VII submitted by the petitioner and if *prima facie* satisfied with correctness of particulars contained therein, shall complete the process of filing within a period of one week from the date of receipt of copy of this order. It is needless to say filing by respondent is subject to result of writ petition referred above and litigation, if any, as to the validity of election process.

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

22.11.2024

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

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W.P.No.34180 of 2024

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S. SOUNTHAR, J.



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W.P.No.34180 of 2024

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