



WP(MD). No.26712 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.26712 of 2023
and WMP(MD) No.22973/2023 & 3627/2024

Senthil Kumar .M

... Petitioner

Vs

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariate, Chennai-9..

2. The District Registrar,
Registration Department,
Trichy..

3. Gopalakrishnan,
G-Block, 1st Floor,
E-Apartment,
Priyas Amrtha Apartment,
Trunk Road,
Tiruvanaikovil,
Trichy – 625005..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 2nd Respondent to register the Association in the name of Priyas Amrtha



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Apartment Owners Welfare association (Block EFG) Thiruvanaikovil,
Trichy based on the Application No.S01SREGVV202310209989768
dated 25.10.2023.

For Petitioner : Mr.M. Suresh Kumar,
For Respondent : Mr.P.Subbaraj for R1 & R2
Special Government Pleader
Mr.P.Thiyagarajan for R3

ORDER

The writ petition has been filed for a mandamus to direct the 2nd respondent to register the Association in the name of Priyas Amrtha Apartment Owners Welfare association (Block EFG) Thiruvanaikovil, Trichy based on the Application No.S01SREGVV202310209989768 dated 25.10.2023, which has been objected by the third respondent. The petitioner has also formed similar association. Therefore, the association has not been registered and therefore, the petitioner is before this Court.

2. The parties were sent to mediation and conciliation centre to amicably settle the issue, wherein, it is agreed by the parties to the effect that each block flat owners have decided to register their own association as follows:

“SETTLEMENT AGREEMENT:



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1. All the parties are agreed to form a separate association for the residents of individual block namely.

'E' Block Flat Owners Association - Priya's Amrtha

'F' Block Priya's Amrtha Flat Owners Association

'G' Block Flat Owners Association - Priya's Amrtha

2. All the parties agreed to register the same before the District Registrar of Society, Trichy and requested the Hon'ble High Court to issue necessary direction to the 2nd respondent District Registrar, Registration Department, Trichy.

3. All the parties agreed that after formation of individual association agreed to form a federation to solve the common issues namely.

- I. Front gate maintenance.
- II. Security.
- III. Generator available at 'G' Block.
- IV. Common bathrooms and toilets.
- V. Underground drainage system.
- VI. Common electricity and transformen issues.
- VII. Festival celebrations.
- VIII. Compound wall.
- IX. Office room.
- X. Maintenance of OSR and other common amenities.

4. Further all the parties agreed to nominate two members from each association to represent them in the federation to deal and solve the common issues.

5. On behalf of 'E' Block Mr. H. Nagarajan, Flat Owner of F1 L and Mrs. K. Rajini Sundaresan Flat Owner of F4 J

and

On behalf of 'T' Block Mr. M. Sivakumar Flat Owner of F2B and Mr. Arjun Raju Flat Owner of F1A.

and

On behalf of 'G' Block Mr. S. Gopalakrishnan Flat Owner of F1E and Mr. V.R. Gurusamy Flat Owner of F2H are appeared before the Mediation and agreed upon the above terms.”



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The same has also been accepted and the settlement reached finality.

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3. As the parties amicably settled the issue among themselves and now they have decided to register different association in different name, there cannot be similarity in the association registered by each group. In such view of the matter, merely because the common name Priya's Amrtha is found in all the association name, that cannot be a reason to reject the registration by the authorities. It is reported that the parties have already filed necessary application for registration as agreed before this Court and hence, the pending application shall be processed by the authorities.

4. The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

19.09.2024

RR
TO

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariate, Chennai-9..
2. The District Registrar,
Registration Department, Trichy..

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N.SATHISH KUMAR,J

RR

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