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W.P.No.1584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.1584 of 2024
and W.M.P.Nos.1609 and 1614 of 2024**

Marvel Apoorva Flat Owners Association,
Represented by its Secretary,
A.C.Senthil Kumar,
4/12, Kalasathamman Koil Street,
Ramapuram,
Chennai-600 089.
Petitioner

...

Vs.

1.The Additional Inspector General (Chit and Society),
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 004.

2.The South Chennai District Registrar (Administration),
(Assistant Inspector General of Registration-Cadre),
Registrar of Societies, South Chennai,
Saidapet, Chennai-600 035.

....Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the order of the first respondent in Se.Mu.AA.No.20017/II/2023 dated 18.07.2023 and quash the same and direct the second respondent to consider the representation of the petitioner dated 13.12.2022 and incorporate necessary amendments in the records of the registry of the second respondent.

For Petitioner : Mr.R.Swarnavel

For Respondents : Mr.V.Baranidharan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order of the first respondent in Se.Mu.AA.No.20017/II/2023 dated 18.07.2023 and for a consequential direction to the second respondent to consider the representation of the petitioner dated 13.12.2022 and incorporate necessary amendments in the records of the Registry of the second respondent.

2. The petitioner is an Association registered under the Tamil Nadu



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Societies Registration Act, 1975 in the year 2006 and the petitioner applied for the issuance of Certificate of Registration under Section 10 of the Tamil Nadu Societies Act, 1975, on 29.12.2018 and thereafter, by a letter dated 31.12.2018, the petitioner sent a requisition letter to the second respondent to amend the by-laws of the petitioner Association and the same was not entertained by the second respondent on the ground that the online process is underway. On 24.11.2022, the second respondent conducted inspection and found some deficiencies in the petitioner Association and issued a show cause notice. The petitioner submitted their reply on 13.12.2022 with clarification. However, the second respondent canceled the petitioner's registration by order dated 28.03.2023, against which, the petitioner preferred an appeal before the first respondent under Section 45(1)(B) of the Tamil Nadu Society Registration Act, 1975 and the said appeal was dismissed by the first respondent on 18.07.2023. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that the entire issue originated on the complaint of a person who was a non-



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cooperative member of the Association and he alleged irregularities and baseless allegations as against the petitioner Association. Pursuant to the same, inspection was conducted by the second respondent. The deficiencies pointed out by the second respondent by the show cause notice dated 24.11.2022 were also rectified and a clarification was also issued by the petitioner. The petitioner also requested for amendment of by-laws which was also rejected. Following the same, the Registration itself was canceled by the petitioner. Hence, aggrieved by the same, the petitioner preferred an appeal before the first respondent which was also rejected. The main ground of challenge of the petitioner is that the first respondent failed to appreciate the fact that the registration of the petitioner Association under the Tamil Nadu Societies Registration Act is not a bar under the Tamil Nadu Apartment Ownership Act, 1994. That apart, in the year 2006, the registration under the Societies Act was moved by the petitioner and the same was not objected to by the second respondent stating that the registration has to be made under the Tamil Nadu Apartment Ownership Act, 1994, which was in-force since 1997. The learned counsel appearing for the petitioner further states that the petitioner complied with the conditions imposed as mandated under Sections



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5, 10 and 11 of the Tamil Nadu Apartments Ownership Act, 1994. Therefore, the learned counsel appearing for the petitioner submits that the impugned order is liable to be set aside.

4. The learned Special Government Pleader appearing for the respondents submits that the petitioner Association has been afforded with reasonable time to comply with the direction of the respondents, however, the same has not been complied with. Even after one year of passing of the cancellation order, the petitioner Association has not come forward to oblige the Act. That apart, the learned Special Government Pleader submits that instead of dissolving and winding up of the Society within one month, the Society is continuing to function on its own unlawfully and is collecting maintenance charges from among the owners of the apartment without any authority. Therefore, the learned Special Government Pleader says that the impugned order does not require any interference by this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.



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6. Considering the submissions made by the learned counsel appearing for both sides, this Court is of the view that though the petitioner Association ought to have registered under the Tamil Nadu Apartment Ownership Act, 1994, registration made under the Tamil Nadu Societies Registration Act, 1975 is not a bar and that if there had been any such bar, the said Association would not have been registered under the Tamil Nadu Societies Registration Act at all. Further, the deficiencies pointed out by the respondents pursuant to the inspection carried out by them have been duly rectified by the petitioner Association. However, without considering the same, the registration has been canceled and that the appeal filed by the petitioner Association has also been rejected by the first respondent. Therefore, this Court is of the view that the matter can be remanded back to the first respondent for fresh consideration. Accordingly, the first respondent is directed to consider the matter afresh of all the grounds raised by the petitioner before both the first and second respondents and decide the issue on merits and in accordance with law after giving opportunity to all the stakeholders and pass appropriate



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orders within a period of four weeks from the date of receipt of a copy of this order. The impugned order passed by the first respondent dated 18.07.2023 is set aside.

7. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

05.11.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1.The Additional Inspector General (Chit and Society),
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 004.

2.The South Chennai District Registrar (Administration),
(Assistant Inspector General of Registration-Cadre),
Registrar of Societies, South Chennai,
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