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A Nos. 5087 to 5091 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-10-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

A Nos. 5087 to 5091 of 2025

in C.S.No.3 of 2024

A.No.5087 of 2025

R.Selvakumar
S/o Late Mr.Ramanujam 1a,Brindavanam Apartments, Ground Flr,
8th Avenue Nabu Nagar, Ambattur Chennai 53

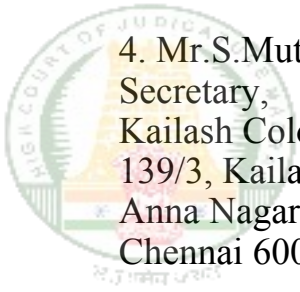
Applicant(s)

Vs.

1. Kailash Colony Welfare Associations
A Society Registration Act, 1975,
Represented By Its Secretary,Mr.Muthkumar
139/3, Kailash Colony,
Anna Nagar Western Extension,
Chennai 600 101.

2. The Executive Committee
Kailash Colony Welfare Association,
Represented By Its Secretary
139/3, Kailash Colony,
Anna Nagar Western Extension,
Chennai 600 101.

3. Janardhana Reddy,
President,
Kailash Colony Welfare Association
139/3, Kailash Colony,
Anna Nagar Western Extension,
Chennai 600 101.



4. Mr.S.Muthukumar
Secretary,
Kailash Colony Welfare Association,
139/3, Kailash Colony,
Anna Nagar Western Extension,
Chennai 600 101.



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5. R.Kumaresan
Election Officer
Kailash Colony Welfare
114/18, Kailash Colony,
Anna Nagar Western Extension,
Chennai 600 101.

Respondent(s)

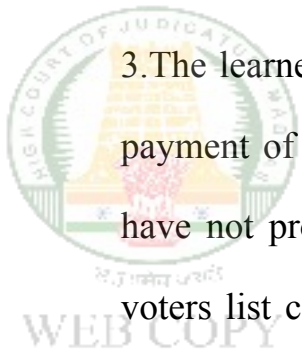
For Applicant(s): Mr.V.P.Raman
for M/s.Anukriti Anand

For Respondent(s): Mr.R.Prabu - R1 to R5
Mr.M.Palanimuthu, Advocate Commissioner

COMMON ORDER

The learned counsel for the Applicant as well as the learned Advocate Commissioner present before this Court.

2.The grievance of the applicant is that the Advocate Commissioner has drafted the list of voters by omitting the persons who are eligible for vote, and the Advocate Commissioner also insisted the flat owners to produce the parent deeds for the sale deeds and also not considered the persons who committed defaults in payment of maintenance even for a month. As per by laws, the committee can suspend a member if he commits default in payment of maintenance charges or such other charges, and if such default continues for a period of three months, they are restricted to cast vote for that particular block and therefore those restrictions are against the by laws of the Society.



3.The learned Advocate Commissioner would contend that since they made de payment of maintenance charges, their names have not been considered. The owners have not produced the documents to show their ownership, therefore, he drafted the voters list containing 73 persons alone, who have produced sufficient documents. He further contends that election has already been declared and the process is going on. Therefore, prayed to dismiss all the above applications filed by the applicant.

4.This Court heard both sides. Perused the records.

5.As far as the manner of election is concerned, what are all the procedures followed in the previous elections, the same methods have to be followed in this election also. As far as the voters list is concerned, the Advocate Commissioner may not insist for the parental documents and if the owners produce the copies of the documents, for their ownership, he can accept those documents. In case of death of the owners, the legal heirs of the owners produce any legal heir certificate, the same has to be considered by the Advocate Commissioner. As far as the arrears of payment of maintenance and other charges are concerned, as per by law, 6(b)(ii) the committee can suspend a member if he commits default in payment of maintenance charges or such other charges and if the default continues for a period of three months, then they are not eligible for voting. Further, the Advocate Commissioner is also directed to permit the owners to produce the documents through online.

6.With the above said observations and directions, all these applications are disposed of. The Advocate Commissioner can permit the owners to produce documents upto 26.10.2025. As far as the request made by the learned counsel for the applicants for



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When e-voting is concerned, if any procedure adopted in the previous election, the same procedure can be adopted. To that extent, they are at liberty to approach the learned Advocate Commissioner.

**17-10-2025
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