

W.P.(MD)No.20810 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

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THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.20810 of 2024

and

W.M.P.(MD)Nos.17636 of 2025 & 597 of 2025

Ayira Vaisiyar Nagar Plot Owners and
Residents Welfare Association (Reg.No.170/23),
Having its office at
Plot No.10, Ayira Vaisiyar Nagar,
Alagarkovil Road,
Kathakinaru Panchayat,
Madurai – 625 104.
Through its Secretary,
Mr.Sivasankar

: Petitioner

Vs.

1.The Commissioner of Land Reforms,
Ezhilagam,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Madurai District, Madurai.



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3. The Revenue Divisional Officer,
Madurai East Division,
Melur Taluk, Narasingampatti,
Melur, Madurai.

4. The Tahsildar,
Madurai East Taluk,
Madurai District.

5. Kathakinaru Panchayat,
Kathakinaru, Alagarkoil Road,
Madurai – 104,
Through its President.

6. Thiyagarajan : Respondents
[R6 is suo motu impleaded vide order dated 02.09.2024]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Na.Ka.No.A3/4813/2021 dated 11.07.2024, quash the same and direct the respondents 3 and 4 to restore the patta in the name of the members of the petitioner Association as it stood originally, within a time frame fixed by this Court.



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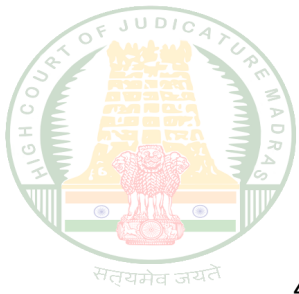
For Petitioner : Mr.T.S.R.Venkat Ramana,
for Mrs.V.Janaki Devi
For Respondents 1 to 5 : Mr.B.Saravanan,
Additional Government Pleader
For Respondent No.6 : Mr.K.Navaneetharaja

ORDER

Today, the Writ Petition is posted for hearing the learned Senior Counsel Mr.T.S.R.Venkat Ramana, on the maintainability of a Writ Petition by an Association.

2.Learned Senior Counsel would submit that the Association is a registered body of various members, whose interest is espoused in the Writ Petition. Therefore, he would submit that Writ Petition is certainly maintainable.

3.However, learned Counsel for the sixth respondent would rely upon the decisions of the Hon'ble Supreme Court as well as this Court and would contend that the Association does not have any *locus* to come before this Court under Article 226 and seek right, since there is no fundamental right of the Association that has been infringed.



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4.I find force in the submission of the learned Counsel for the sixth respondent.

5.Admittedly, the members of the association are aggrieved by the impugned order and it is open to them to challenge the same, by approaching the Court. It is not permissible for them to form an association and thereafter, for the association to come before this Court and challenge the proceedings. In fact, as rightly pointed out by the learned Counsel for the newly impleaded sixth respondent, it is not the office bearers of the Association, who attended the enquiry, but only the individual owners. Therefore, I uphold the objection raised by learned Counsel for the sixth respondent regarding the maintainability of the Writ Petition.

6.In ***Mahinder Kumar Gupta and others Vs. Union of India, Ministry of Petroleum Natural Gas reported in CDJ 1994 SC 1116 and Cable Operator's Association of Tamizhagam, rep. by its President Vs. The Commissioner of Police, Chennai reported in 2011 (4) CTC 369***, it is clearly held that an Association has no fundamental right and no locus to file a Writ Petition.



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7. Accordingly, the Writ Petition is dismissed on the ground of maintainability. It shall be open to the individual aggrieved members to challenge the impugned order. Registry is directed to return the order which is challenged in the Writ Petition to the learned Counsel for the petitioner, within a period of one [1] week, across getting necessary acknowledgment from the learned Counsel to enable the petitioner / its members to work out further avenues to challenge the impugned order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.03.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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