



W.P.(MD)No.30386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.30386 of 2024

Mela Ponnagaram Housing Unit Flat
Owner's Association,
represented by its Secretary,
C.J.Russell,
S/o.Jeyaputhiran,
Mela Ponnagaram, 2nd Street,
Madurai – 625 016.

... Petitioner

Vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Tamil Nadu State, Fort St.George,
Chennai.
2. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
3. The District Registrar of Societies,
Office of District Registrar,
Madurai South, Madurai District.
4. The District Registrar (Administration),
Office of District Registrar,
Madurai Sourth, Madurai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents No.1 to 3 to renew the petitioners' association namely Mela Ponnagaram Housing Unit Flat Owner's Association bearing Registration No.48 of 1982 and issue certificate of registration to the petitioner's Society within the time frame stipulated by this Court.

For Petitioner : Dr.R.Ponkarthikeyan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents No.1 to 3 to renew the petitioners' association namely Mela Ponnagaram Housing Unit Flat Owner's Association bearing Registration No.48 of 1982 and issue certificate of registration to the petitioner's Society within the time frame stipulated by this Court. The petitioner's cheque power was taken away.

2. When the matter came up for hearing, the learned Additional Government Pleader, on written instruction would submit that the petitioner's application for renewal could not be considered for want of submission of Annual report for the past 19 years.



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3. Responding to the said submission, the learned Counsel for the petitioner submits that a new team of officer bearers has taken over the administration of the petitioner's association. In view of same, they are handicapped with the earlier annual report and only because of that they were not able to submit the same.

4. Heard the learned Counsel on either side and perused the materials available on record.

5. It is understood from the submissions made by the learned Counsel for the petitioner that, the petitioner society has not been functioning for the past many years and was functioning under the Secretaryship of a single person. Therefore they cannot generate a fake annual report for the purpose of renewing the petitioner's association.

6. In view of the same, under Section 49 of The Tamil Nadu Societies Registration Act, 1975, the petitioner is directed to make an application afresh to condone the delay in making an application for renewal, along with the annual reports for the past 19 years. The petitioner may also state the reasons



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for the inability to produce the annual reports as sought for. The fourth respondent, under Section 49 of the Tamil Nadu Societies Registration Act, may consider the petitioner's application and pass appropriate orders by determining the penalty for the delay and non-production of the annual report, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is closed. There shall be no order as to the costs.

08.01.2025

NCC : Yes / No
Index : Yes / No
jbr



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L.VICTORIA GOWRI, J.

jbr

Order made in
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Dated
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