



WEB COPY

WP No. 16534 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 16534 of 2025

and

WMP.No.4849 of 2026

Jains Nakshatra Flat Owners Association
Rep. by its President
14th Block, FOA, Jains Nakshatra Flats
No. 82, Union Road,
Chinna Nolambur, Maduravoyal (PO)
Chennai - 600 095.

..Petitioner(s)

Vs

1. The Registrar of Societies Cum District Registrar
North Chennai District Registrar Office,
Kuralagam, Chennai-600 104.
2. Bipin Rajalingam
11 FOD, Jains Nakshatra Flats,
No. 82, Union Road,
Chinna Nolambur,
Maduravoyal (PO)
Chennai-600 095.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records connected with the impugned order issued by the 1st respondent vide proceedings No.6413/E1/2023 dated 19.12.2024 and quash the same and pass orders.



WEB COPY

WP No. 16534 of 2



For Petitioner(s):

Mr.S.Sivakumar
of M/s.Law Square

For Respondent(s):

Mr.V.Jeevagiridharan
Additional Government Pleader for R1

Mr.Bipin Rajalingam
Party-in-Person for R2

ORDER

The Flat Owners Association seeks to quash the order passed by the first respondent vide proceedings No.6413/E1/2023 dated 19.12.2024.

2. The short facts are as follows :

- a) The petitioner-Association was formed in the year 2010 to take care of maintenance activities of Jain Nakshatra Apartment, a gated community consisting of 512 flats, in which, 118 are three bedroom flats and 324 are two bed room flats. From the year 2010, the owners had started occupying the building, and initially for about two years, the maintenance was handled by the Builder. Since the maintenance was on square feet basis, persons owning larger extent were paying huge amounts towards maintenance. Therefore, a representation was made seeking to fix a flat rate for maintenance and the same was under consideration. This did leave



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a bit rancor between the owners of two bed room apartments and three bed room apartments.

- b) The petitioner would submit that the second respondent who is residing in one of the apartments, was accusing the office bearers of petitioner-association and was continuously causing problems to the Association as well as to his neighbours. The Association had accused the second respondent of misbehaving with ladies and for using abusive language and threatening his neighbours. The Association had sent a warning letter dated 03.04.2023 to the second respondent. Since the second respondent did not mend his ways, the Executive Committee in the meeting held on 13.08.2023, had decided to remove him from the membership.
- c) Be that as it may, the Association had given another warning to the second respondent vide its letter dated 21.08.2023, asking him to provide an apology to the Association along with the details of his whereabouts. On the same day i.e., 21.08.2023, a police complaint was also filed against the second respondent. However, there was no response to the warning letters issued to the second respondent. Ultimately, the second respondent was removed from the membership. The second respondent had not paid the maintenance charges for the past one year.
- d) The second respondent preferred a complaint to the first respondent



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on 12.12.2023, challenging his removal from membership stating that the act of the petitioner-Association is illegal as he has not been given proper notice before his expulsion. The first respondent also called the parties for enquiry on 22.02.2024, to which, the petitioner - Association had also submitted its reply on 03.03.2024.

- e) In the meanwhile, the second respondent had approached this Court in W.P.No.25538 of 2024 for a mandamus to the first respondent to conduct an enquiry based on his complaint dated 12.12.2023 and this Court had disposed of the writ petition. Pursuant to the directions of this Court in W.P.No.25538 of 2024, the first respondent had conducted an enquiry on 15.11.2024, to which, the petitioner-Association had also submitted his explanation on 20.11.2024.
- f) The first respondent vide its order dated 19.12.2024, had directed the petitioner-association to reinstate the second respondent. According to the petitioner, the first respondent had totally overlooked the fact that Association had issued several warning letters to the second respondent, however, the second respondent had not responded to it.

It is challenging this order, the petitioner-Association is before this Court.



3. The second respondent had filed a detailed counter affidavit. A reading of the counter affidavit would indicate that the contents of the complaint given by the petitioner-Association itself is without any basis and that the petitioner-Society was not able to substantiate the allegations made by them. He would submit that he was being targeted as he had questioned the autocratic manner in which the Association was run by its office bearers, totally uncaring about its members, and his expulsion from membership, is only a vindictive action. He would submit that the first respondent has rightly considered and passed orders, which is impugned herein.

4. Heard the learned counsel on either side and this Court also perused the materials placed before this Court.

5. The petitioner-Association has removed the second respondent on the ground that he misbehaved with the ladies and the said complaints are not on file. None of the allegations that have been cited for expelling the second respondent, has been substantiated by the petitioner-Association. That the petitioner-Association has behaved in vindictive manner is evident from the police complaint that was filed by the petitioner-Association against the second respondent. His expulsion was only on the ground of his allegedly misbehaving



with ladies. Therefore, the first respondent has rightly considered and rejected the complaints lodged by the petitioner-Association against the second respondent. This Court, therefore, finds no merits in the present writ petition, challenging the order of the first respondent dated 19.12.2024 and accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS

To:
The Registrar of Societies Cum District Registrar
North Chennai District Registrar Office,
Kuralagam, Chennai-600 104.



WEB COPY

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P.T.ASHA, J.

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