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W.P.No.4284 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2026

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.4284 of 2025

T.Murugan

... Petitioner

Vs.

1.The Competent Authority
The District Registrar
Chennai South.

2.Lakshmipathy
3.Ahesunul Maalik

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in A.T.M.No.5132/E1/2024 dated 18.12.2024 on the file of 1st respondent and to quash the same and further direct the 1st respondent to enquire my complaint dated 12.12.2024 and to take appropriate action and pass orders.

For Petitioner : Dr.G.Krishnamurthy

For Respondents : Ms.Akila Rajendran
Government Advocate for R1

Mr.E.Sivanandan for R2 & R3



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W.P.No.4284 of 2024

ORDER

The writ petition has been filed seeking to quash the impugned of the first respondent dated 18.12.2024 in A.T.M.No.5132/E1/2024 and to direct the first respondent to enquire into his complaint dated 12.12.2024.

2. The case of the petitioner is that he owned a flat in Vishal Upper Crest Apartments in Perumbakkam Village. The second and the third respondents are the owners of the other flats therein. They claimed themselves to be the Manager of the flats and collected electricity charges, sewerage charges and water charges etc from the occupants. The petitioner would submit that the first respondent had occupied 500 sq.ft., of the terrace portion by setting up a nursery, in the year 2021 and thereafter, the second respondent has started occupying 200 sq.ft., of terrace portion by installing Solar Energy set-up from 10.12.2024. According to the petitioner, the respondents 2 and 3 are not elected by the members of the flat owners.

3. Contending that the respondents 2 and 3 have encroached a portion in the terrace, the petitioner had preferred a complaint before the first



W.P.No.4284 of 2024

respondent under Section 25(2) r/w Section 7,8, 12 and 24 of the Tamil Nadu Apartment Ownership Act, 2022, on 12.12.2024. The said complaint

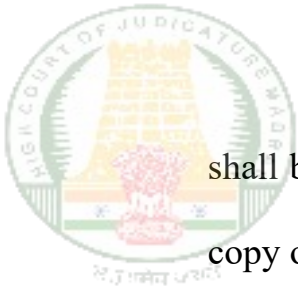
also seeks a direction to the members of the flat owners to frame bye-laws.

However, the first respondent by his proceedings dated 18.12.2024, had returned the complaint preferred by the petitioner on the ground that the complaint lacks association name, registration number and also does not have the signatures of atleast 1/3 members who are in occupation of the said apartment.

4. Aggrieved by the impugned proceedings, the petitioner is before this Court.

5. Heard the learned counsel for the petitioner and this Court also perused the materials on record.

6. The impugned order before this Court is only the return made by the District Registrar, seeking a clarification. The petitioner shall re-present his complaint with necessary clarifications sought by the first respondent. On receipt of the same, the District Registrar, shall consider and pass orders by following the due procedures contemplated under law. The said exercise



W.P.No.4284 of 2025

shall be completed within a period of one month from the date of receipt of copy of this order.

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7. The writ petition is disposed of in the above terms. No costs.

05.01.2026

Index : Yes / No

Neutral Citation : Yes / No

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Note : Registry is directed to return the original impugned order to the learned counsel for the petitioner.

To:

The Competent Authority
The District Registrar
Chennai South.



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W.P.No.4284 of 2025

P.T. ASHA, J,

ds

W.P.No.4284 of 2025

05.01.2026