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WP CrI. No. 948 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

WP CrI. No. 948 of 2026

and WPMP CrI.Nos.313, 314 and 315 of 2026

M/s. Humming Gardens Owners Welfare
Association

By its Secretary, N.Kirubaharan,
Club House,
Alliance Humming Garden,
Old Mahabalipuram Road,
Kelambakkam,
Tamil Nadu - 603 103.

..Petitioner(s)

Vs

1. The Commissioner of Police
Office of Commissioner of Police,
Tambaram Commissionerate ,
Chennai 600 119.
2. The Deputy Commissioner of Police
Office of Deputy Commissioner of Police,
Tambaram Commissionerate Building,
Chennai 600 119.
3. The Assistant Commissioner of Police
Office of Assistant Commissioner of Police,
Kelambakkam Range,
Kanathur,
Chennai 603 112.
4. The Inspector of Police
T-19 Kelambakkam Police Station,
Kelambakkam - 603 103.



5. S.T.Poongothai
614, Alliance Humming Garden,
Old Mahabalipuram Road,
Kelambakkam,
Tamilnadu 603 103.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records of the 4th respondent vide RC.No.0918/013640/COP-G/TCP/2026 dated 18.04.2026 and quash the same as illegal, arbitrary and non est in law and consequently direct the respondents not to interfere with the lawful administration or adjudicating the dispute with regard to the association of Humming Gardens Owners Welfare Association and functioning of the petitioner Association.

For Petitioner(s): Mr.B.Vijay
for G.Mohammed Aseef

For Respondent(s): Mr.R.Ganesh Kumar
Government Advocate (CrI. Side) -R1 to R4

Mr.R.Sankarasubbu - R5

ORDER

This Writ Petition has been filed challenging the questionnaires served on the petitioner during the enquiry, on a complaint lodged by the 5th respondent.

2.The petitioner is an Association, registered under Section 10 of the Tamil Nadu Societies Registration Act, 1975. The project known as Alliance Humming Gardens, comprising 716 Villas, was developed by M/s.Alliance Villas Pvt. Ltd., in which, Phase-I consists 371 villas and Phase-II consists 345



villas. After developing the said project, the developer undertook to maintain the said complex for a period of one year and thereafter handed over the entire maintenance and management to the petitioner's Association, consisting several apartment owners.

3. When that being so, a group of 20 residents allegedly belonging to Phase-II formed another Association in the name of Alliance Villa Owners Welfare Association. Those members are defaulters in payment of the maintenance charges payable to the petitioner's Association. Though the developer completed the entire construction already and handed over the possession of the Villas to the respective owners, in compliance with Sections 17(1) and 17(2) of the Real Estate (Regulation and Development) Act, 2016, these residents sought for separate amenities from the developer. Therefore, there is no question of handing over a separate or further common amenities to the rival group.

4. Thereafter, the rival group viz. 5th respondent and her group submitted a representation before the District Registrar with regard to registration of the apartment owners Association and filed a Writ Petition before this Court in W.P.No.4869 of 2025, seeking for a direction to consider the said representation, by conducting enquiry under Section 25 of the Tamil Nadu Apartment Ownership Act, 2002, and cancellation of the petitioner's



Association registration. The District Registrar also passed an order to that effect. Aggrieved by the same, the petitioner Association preferred a Writ Petition before this Court in W.P.No.37248 of 2025, in which, this Court, directed the constitution of a common federation for maintenance of the common areas and permitted such federation to file a declaration under Section 34 of the Tamil Nadu Apartment Ownership Act, 2002, before the District Registrar, Chengalpattu. Having aggrieved by the same, the petitioner preferred Writ Appeal in W.A.No.3422 of 2025 and the order passed by the single Judge was stayed by the Hon'ble Division Bench of this Court vide order dated 13.11.2025, and the main Writ Appeal is pending.

5.While pending Writ Appeal, the rival Association lodged a complaint before the Tamil Nadu Real Estate Regulatory Authority hereinafter called as RERA, against the developer with regard to handing over of common amenities. The RERA also issued some directions against the petitioner and subsequently, the petitioner submitted a detailed objections. Though the interim order was passed by the Hon'ble Division Bench of this Court and it is still in force, the rival Association kept on lodging complaints before the 4th respondent and the petitioner was summoned for enquiry. That apart, with regard to providing amenities and other facilities are also pending dispute before the RERA. The 4th respondent has got nothing to do with the disputes pending between the petitioner Association and the rival Association, with regard to providing of



amenities and payment of amenities charges. Even then, the 4th respondent has entertained the complaint and called upon the petitioner association for enquiry.

The 4th respondent also issued the impugned questionnaires to the petitioner seeking clarification by way of explanation. The questions are as follows:

1. *State Whether the Humming Garden Owners Welfare Association – Phase-I has been validly renewed after 2023.*

If yes, provide renewal certificate and registration details.

If no, explain under what authority you continue to operate.

2. *Provide documentary proof that the association is currently legally registered and compliant with applicable laws.*

3. *State whether steps have been taken to migrate under the Tamil Nadu Societies Act, 2022.*

If not, provide reasons for non-compliance.

4. *Provide proof of valid election of the following office bearers:*

Mr.Ravichandran

Mr.Varadharajan

Mr.Kirubakaran

Mr.Balakrishnan.K

Mr.Shivakumar

Mr.Rahamathullah

Mr.Suresh

Mr.Shahul Hameed Meeran

5. *State whether all the above individuals are owners / residents of the property.*

If not, explain their authority to hold office.



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6. *Provide minutes of the General Body Meeting in which these members were elected.*

7. *State whether you are aware of the order passed by the Hon'ble High Court of Judicature at Madras in W.P.No.17977 of 2025.
If yes, explain how your actions comply with the said order.*

8. *State whether you are aware of the TNRERA Order dated 12.11.2025 and 05.01.2026 in Case No.4 of 2025.
If yes, explain why actions have been taken contrary to the order restraining interference with Phase II facilities.*

9. *Under what authority do you claim control over the Diesel Generator and other common assets used by Phase-II residents?*

10. *Provide ownership and maintenance records of the DG power system.*

11. *Explain the basis on which a threat notice dated prior to 04.04.2026 was issued to disconnect DG power.*

12. *State whether such disconnection would violate existing court / authority orders.
If not, provide legal justification.*

13. *State whether you have demanded or collected maintenance charges from Phase-II residents.
Provide account statements and receipts.*



14. Confirm whether cheques issued by Alliance Villa Owners Welfare Association – Phase-II were returned.

If yes, provide reasons and supporting correspondence.

15. Provide copies of all communications (including My Gate notices, emails, circulars) issued to residents regarding payments or disconnection.

16. State whether any steps have been taken to form a federation as required by law.

If not, explain reasons.

6. It is very unfortunate to state that the 4th respondent has absolutely no jurisdiction or power to interfere with the civil disputes pending between the petitioner Association and the rival Association viz. 5th respondent herein. The 4th respondent raised questions about the proof for the registration of the petitioner Association, asking for proof of valid election of the office bearers and to produce the minutes of the General Body Meeting of the petitioner Association. The 4th respondent also asked for ownership and maintenance record of the DG power system and notice caused by the petitioner. These are all the documents that are no way connected for any enquiry or investigation by the 4th respondent. In fact, a perusal of the complaint lodged by the 5th respondent, reveals that the entire disputes are civil in nature and they have lodged the complaint alleging that the petitioner threatened to disconnect the DG power supply to the rival apartments.



7. Admittedly, with regard to providing of amenities by the developers, the rival Association have already approached the RERA, and it is pending before the District Registrar in C.No.4 of 2025, under the Tamil Nadu Societies Registration Act, and the same has been culminated into Writ Appeal before the Hon'ble Division Bench of this Court. In fact, the petitioner also obtained interim order and the main Writ Appeal is pending for adjudication.

8. Even though, the 4th respondent has nothing to do with the above disputes, it entertained the complaint and issued C.S.R. The 4th respondent also kept the complaint pending and raised so many questions and called upon the petitioner association to attend the enquiry. Those impugned questionnaires are nothing to do with the dispute pending between the petitioner and the rival Association.

9. Therefore, the entire dispute between the petitioner and the rival Association is civil in nature. The 5th respondent repeatedly attempting to invoke the jurisdiction of criminal Courts by lodging vexatious complaints, camouflaging allegations that are egregiously outrageous or pure civil claims. These attempts must not be entertained and should be dismissed at the threshold. Even then, the 4th respondent entertained the complaint and raised so many questions and called upon the petitioner to submit explanations.



10. In view of the above, the impugned questionnaires raised by the 4th respondent calling upon the petitioner to submit explanation cannot be sustained and liable to be set aside. Accordingly, RC.No.0918/013640/COP-G/TCP/2026 issued by the 4th respondent dated 18.04.2026 is hereby set aside.

11. This Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

04-06-2026

Index: Yes/No

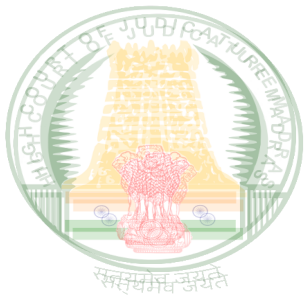
Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Commissioner of Police
Office of Commissioner of Police,
Tambaram Commissionerate ,
Chennai 600 119.
2. The Deputy Commissioner of Police
Office of Deputy Commissioner of Police,
Tambaram Commissionerate Building,
Chennai 600 119.
3. The Assistant Commissioner of Police
Office of Assistant Commissioner of Police,
Kelambakkam Range,
Kanathur,
Chennai 603 112.



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WP CrI. No. 948 of 2



G.K.ILANTHIRAIYAN, J.

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4. The Inspector of Police
T-19 Kelambakkam Police Station,
Kelambakkam - 603 103.

WP CrI. No. 948 of 2026

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