



**ANUGRAHA SATELLITE TOWNSHIP
RESIDENTS WELFARE ASSOCIATION**

Registered under the TN Societies Registration Act, 1975 with No: 71/2014

To:

The Registrar of Societies,
Office of the Registrar,
Tirupadripuliyur, Cuddalore
Tamil Nadu

From:

Dr. Jagan Mohan R, Secretary,
Anugraha Satellite Township
Residents Welfare Association,
Periyakattupalayam,
Cuddalore 605007

Madam,

10 January, 2019

Sub: Our Reply to your Queries regarding the Anugraha Satellite
Township Residents Welfare Association, Regd. No. 71/2014

Ref: Your Letter No 4372/A3/2018

In order to adequately and satisfactory answer the queries raised by you based on the complaint by Mr. Mohammad Shahid, We request your leave to answer them commonly, with a brief chronological account of facts and information, essential to frame the issues within the factual context.

1. The Anugraha Satellite Township Residents Welfare Association was mismanaged during the initial years of its formation. No proper accounts, especially those of expenditure were maintained, nor the mandatory annual reports and returns filed with the Registrar of Societies as per the Tamil Nadu Registration of Societies Act, 1975. The Township's Sewage Treatment Plant (STP), an essential civic infrastructure serving all the 530 houses, was incomplete, neglected and never operated. Various electricity bills of the township including the STP were not paid leading to disconnection of electricity. The Township's entire sewage was let out into the nearby Malataru river, polluting it for as long as 10 years.

2. Due to widespread infighting, the entire executive committee resigned on 16 December 2016 (Exhibit A: Minutes of the Meeting). The President and Secretary who are part of the executive committee also resigned on 19 December 2016. It is the duty of the Secretary as per the bye-laws to inform the Registrar of Societies regarding the resignations, appoint an Election Officer and assist to hold fresh elections to elect a new body. On resignation of the entire executive committee, the then President and Secretary had committed themselves to continue to function until end of December 2016 (Exhibit B: Minutes of the Meeting). Since the end of December 2016, the Association had no *de facto* executive body. It needs to be noted that Mr. Saravanan (resigned President) and Mr. Gajapathy (resigned Secretary) continued to behave and act on behalf of the Association without office, official sanction, authority or power to do so. The fact of the resignation of the executive committee *en masse* was not even made public to the members. As per the Tamil Nadu Societies Registration Rules, 1978 Chapter 3, Rule 17 (2), any change in the executive committee including resignations should have been notified to the Registrar of Societies within 3 months. This was not done by the then Secretary.
3. However, the Association continued to function through the work of its Manager and Workers. Evidently:
 - a. The Association was devoid of an Executive Committee including the President, Secretary and other office bearers since December 2016 till Sept - October 2017.
 - b. The previous Secretary failed to either intimate the resignation of the entire administrative body of the Association within 3 months or take steps to dissolve the Association as per Rule 41(1) of the TNSR Act, 1975.
4. In absence of an executive committee, President, Secretary and other office bearers, the Association was unable to respond adequately to the Notices issued by the Tamil Nadu Pollution Control Board in June 2017 (Exhibit C – Notices by TNPCB) who inspected the township's sewage treatment plant and found that the sewage had been let out into the river for the last 10 years. From June 2017 until September 2017 (four months), the Association and its resigned President and Secretary took no steps

to effectively address the situation that deteriorated into a crisis when the Block Development Officer and Revenue Officials sealed the STP and the outlet of the Township's sewage network (Exhibit D – Notice from BDO). The Sub Collector cum Sub Divisional Magistrate had also issued show cause notices to individual houses (Exhibit E – SC-SDM Notice). The incremental failures of the Association culminated in the raw sewage spilling on to the roads.

5. In view of the Association not having an executive body, the Sub Divisional Magistrate directed that an Emergency Extraordinary General Body Meeting be held in his office and a new body elected to fulfil the duties of the Association. As per his directions, an emergency extraordinary general body meeting was held and a new executive body elected through an election conducted by an electoral officer as per our bye-laws. Since the challenge of implementing the Sewage Treatment Plant and Regularisation of the Layout was huge, it required a large body of volunteer office holders. Therefore 32 members were elected to the various posts and positions in the Association. The bye-laws of the Association do not prescribe any minimum notice period for extraordinary general body meetings, but only for general body meetings. This is our humble submission to your Query No 3.
6. Additionally, given the emergency crisis of sanitation, the Association could not have waited for even one more day before convening an emergency general body meeting with sewage overflowing into the streets. The desperate situation called for emergency measures. The new team of volunteers who were elected unanimously by the largest General Body ever assembled, set out immediately to address the crisis and has been ever since managing the Association, the Township and all its affairs effectively and efficiently, guided and assisted by the good offices of the Collector, Sub Collector, the DRDA, BDO, etc. The Association has conducted a record number of executive committee meetings (27 in 15 months), formed five sub committees, and completed the Augean task of successfully repairing, building and re-laying of a functional sewage pipeline network as well as commissioning a medium sized Sewage Treatment Plant that has been functioning successfully ever since its inspection and inauguration by the Collector and Sub Collector in the presence of

other dignitaries. (Exhibit F – Photos of the STP Inauguration) The details are on our public website at <https://astrwa.com> for the whole world to see. The Association has since then, repaired portions of the road with available resources, conducted various cultural festivals and programs, raised materials, funds and donated to Kerala Flood Relief, signed a peace agreement with the neighbouring Karrikan Nagar village putting an end to acrimonious relationships between the two communities, strengthened the security of the township, introduced online electronic accounting along with online digital payment of fees, added new members, etc. Most importantly, the Association is currently undertaking a challenging and massive project of getting all the houses of the Township regularised by the DTCP/BDO (Exhibit G – Copy of a Model Regularisation Application). Regularisation will mean that a number of encroachments of public area will be discovered and evacuated. A number of vested interests will be affected. Therefore, these activities were opposed and violently resisted by a small group of non-members of whom one busybody Mr. Mohammad Shaheed is the leader assisted by his associate, Mrs. Amutha. They had tried to stop the regularisation through propaganda, misleading owners and asking them not to file their applications for regularisation. They had filed numerous baseless complaints against the Secretary, other office bearers and the Association, aimed at disturbing the Association's effective functioning. In order to prevent the Association from functioning, Mr. Shahid had filed a case in the Court of I Additional Sub Judge of Cuddalore vide OS/500289/2018 wherein he had attacked the Association as being unregistered, without bye-laws and that the present Secretary cannot be a member, and the 'unregistered' association cannot hold any meetings or collect any funds or carry out any work (Exhibit H – Copy of the OS). This lie of our Association being unregistered is being countered as a blatant lie. Mr. Shahid has since then tried to make that lie a reality by attacking the registered status of the Association. The present complaint is yet another attempt to destroy the Association by attacking its registration and legal status through yet another baseless complaint. We are taking steps legally to respond to these baseless complaints under existing civil and criminal laws.

7. Our Submission to Query No 4 regarding the membership of the Secretary and President: The spirit of the Association's bye-laws were to be as inclusive, participatory and democratic as possible. The terms are not restrictive but strives to embrace all who may become its members, seek their participation and further its cause towards fulfilment of its aims and objectives. The word owner is qualified by adding the pre-determiner 'All' which is indicative of its objective of universality, to be broad, comprehensive and encompassing of all kinds of owners. If the objective was to control or restrict membership, the word, 'only' might have been employed instead of 'all'. However, the restrictions specifically mentioned is in positive, calling for All those with the tendency to execute the ideals of the society and pay the subscription regularly. If the founding members had the same narrow, parochial view of membership as the petty minded complaint, they might have written as follows: "The Executive Committee shall admit *ONLY* the named owners of Houses in the Anugraha Satellite Township' instead of the present: "The Executive Committee shall admit *ALL* the owners of Anugraha Satellite Township'. Further, the ownership is of the township – indicative of ownership of interest in the township, rather than ownership of plots or property within the boundaries of the township.
8. It is nowhere mentioned in the bye-laws that only those with their names in the property ownership and registration documents may be admitted. Also, a Residents Welfare Association should not be forced to restrict its membership to owners of properties alone and leave out the residents who must also have representation in the Association since its decisions may affect them in the best traditions of participatory democracy and self-governance.
9. Even without recourse to the above two, it is respectfully pointed out that there are many types of ownership of properties as per various rules, statutes and definitions that are further elucidated by numerous judgements of High Courts and Supreme Court of India. The Association is not a judicial body and cannot interpret and adjudicate on questions of ownership. It has to go by and depend on self declaration unless there is a requirement.

10. In any case, the membership to the Association cannot be challenged by a non-member who has no *locus standi* or possibility of being aggrieved personally by membership of any resident of the Association. Even if none of the above are acceptable, it is to be noted that a Full Bench in *C.M.S. Evangelical Suvi David vs District Registrar* on 31 October, 2008, as well as Division Bench of Madras High Court in *R. Muralidaran and ors Vs. District Registrar, South Madras* reported in (2008) 1 MLJ 1308, had held that the Form No. VII filed and receipt by the Registrar of Societies is a ministerial function and elections to a society can only be challenged in a civil court within an acceptable timeframe. Mr. Shahid has a civil suit OS/500289/2018 in the Court of I Additional Sub Judge Court of Cuddalore already filed in this regard and this matter is already *sub-judice*.
11. Although the query of the membership of the incumbent secretary and president are resolvable by the above explanations, we wish to humbly further state that the present secretary and the president's membership suffer no deficiencies under our bye-laws as well as under all applicable rules and above all, principles of natural justice even if the ownership is restricted to properties. The Secretary is a member and co-parcener of a Hindu Undivided Family (HUF) whose properties are held in joint ownership and equally enjoyed by all its members until these are partitioned and devolved to exclusive ownership of its members (Exhibit I – Declaration of HUF). The nature of joint ownership is attested and laid out clearly and without any ambiguity by a recent ruling of the Supreme Court of India in *Adivappa & ors vs Bhimappa & ors* in civil appeal No 11220 of 2017 which reiterated that all assets in a Hindu Undivided Family would be presumed to be joint property belonging to all its members and that the burden to prove otherwise is on the family member asserting such claim (<https://www.livelaw.in/huf-assets-taken-joint-property-unless-proven-otherwise-sc-read-judgment/>). Although the house number 225, Second Cross Street in the Township is in the name of Shri. R. Shyam Sundar, own brother of the Secretary, the HUF property is joint in nature. The house is in possession of Dr. Jagan Mohan R and only a member of the HUF may bear the burden to contest this ownership. Nobody else including the complainant has any role, right or authority to challenge

the jointness of this ownership. The same principle applies to the incumbent President of the Association. It is to be noted that daughters can be members of a Hindu Undivided Family even after their marriage as per the Hindu Succession (Amendment) Act 2005. The President is the head of his Hindu Undivided Family of which his daughter in whose name the property at No 150, Fifth Cross Street of the Township is registered to, is a member of.

These above explanations may humbly be deemed as our explanation for your Query No 4.

12. Our submission to Query No 5: Due to the failure of the previous Secretary in discharging his duties of filing annual returns/report, the burden of filing the annual returns/report for all the years since the beginning of the Association fell on the present Secretary. Since all the necessary records were not handed over to the present executive committee, the present committee relied on oral and other data available and made diligent efforts to file the annual returns/report to the best of its ability and knowledge. The previous President and Secretary were not forthcoming. As per the advice of the Office of the Registrar, and as per convention we were informed about, the annual returns/reports were filed and signed by the present Secretary. The signing of the annual returns/reports of the earlier years do not in any way indicate a claim or declaration that the present Secretary, Dr. Jagan Mohan R was serving as the secretary for the previous years. It simply means that he is signing as the present secretary during whose tenure the annual returns/reports for the previous years are being filed belatedly.
13. During the filing and its hectic activity, the name of the president who presided over the General Body Meetings of the earlier years of 2014-15, 2015-16 was Inadvertently mis-copy-pasted with the name of the present President, Mr. Varadhan P instead of Mr. Saravanan, and unfortunately overlooked before filing. This clerical mistake may kindly be condoned and allowed to be corrected. This is our explanation to the queries numbered 1 and 2.
14. After the present executive committee has taken office, the Association has been rejuvenated and has accomplished a number of record breaking achievements. It is

fully functional and compliant with all rules, regulations and laws it is registered under. The problems, issues of the Association and the Township are being addressed and remedied. If we have overseen or missed any issue that is brought to our notice, we crave the leave of your esteemed office to set them right and request you to condone such rectifications.

15. In continuation of our submission to your Queries 1 and 2: Mr. Harish continues to be a member and the Vice-President of the Association. However, Mr. Ramani, previous treasurer was removed since the membership was highly irregular. Under the moniker of 'Ramani', one Mr. Meganathan was operating the Association's accounts including the bank accounts. He was asked to re-register his membership under his real name as per know your customer (KYC) requirements. Failure to file his real name led to removal of the suspect name from the membership rolls. Mr. Ramesh had not paid any membership fees, admission fees and therefore his membership was invalid *ab initio*. His name was removed to correct the record. The option to answer the queries or protest the removal was not availed by both Mr. Ramani (real name: Mr. Meganathan) as well as Mr. Ramesh.
16. At the time of taking office by the new executive committee on 05 October 2017, the Association's Bank Account balance was a mere Rupees **1896.33**. The bills, challans, vouchers and all other financial documents were NOT handed over. Only the receipts books numbered 1 to 10 were received. Other documents are still in the custody of Mr. Gajapathy, previous secretary. We had already contacted them multiple times calling for all documents including finance related documents to be handed over (Exhibit J - Acknowledgement of Receipt). The previous treasurer, secretary and president had not filed any annual returns/report or preserved any records for us to audit, forcing us to rely on the sparse data available to us and file accordingly.
17. The present executive committee will be filing annual returns/report for the financial year 2018-19 starting from 1 April 2018 to 31 March 2019 at the end of the financial year. If permitted, we would be grateful to file partial annual returns/report and financial statements for the period of 05 October 2017 to 31 March 2018. As for the

accounts and explanations for earlier years, the respective previous President, Secretary and Treasurer may kindly be directed to produce them since we do not have them in our possession.

18. It was also mentioned that the complaint contained allegations of illegal activity and irregularities. Since a copy of the complaint was not made available to us to counter, and since no specific illegal act or irregularity was mentioned nor any evidence for the same is produced, we have no recourse but to address this in general that no laws or rules were broken to the best of our knowledge and that all the activity of the Association has been in accordance to the law and lawful under the rights afforded to it by the Constitution as an association of people. We would also like to record our extreme protest against this unfounded, false and baseless complaint that was placed with the only intention of harassing the Association, its present executive committee and its members. The charges are also defamatory. We have already filed a Suit (OS/100172/2018) for defamation against the complainant at the Hon'ble Court of the Principal District Judge who had issued an injunction against the complainant restraining him from publishing and spreading any defamatory message against the Association (Exhibit K – Interim Injunction against Defamation). In total disregard and in contempt of the Court's interim Injunction and more importantly, even before the conclusion of the respective cases and this present enquiry by this office, Mr. Shahid and his associates have been printing and distributing anonymous defamatory leaflets in a bid to prejudice, defame and discredit the Association and cause confusion with breach of peace (Exhibit L – Anonymous defamatory notices). This serious act needs to be taken on record by your esteemed office as a bid to influence and prejudice your judgement.

Conclusion: The Association had not filed any annual reports for previous years of its existence since its registration. The present office bearers filed the annual reports for previous years belatedly relying on the sparse data that was available in lieu of complete records. The membership and election of the office bearers suffer no infirmity and are as per the bye-laws of the Association. The complaint is filed with ulterior motives to annoy,

defame and disrupt the Association, its registration and its current mission to regularise the Township Layout.

Prayer: The Registrar of Societies is the Authority with ministerial, quasi-judicial and administrative powers to govern, monitor and ensure that Societies and Associations registered under the TNSRA of 1975 function effectively, without undue, unjustified interference to fulfil the objectives, goals and aims towards welfare of their members and the Nation. It would also follow that the interests of the Associations/Societies be protected by the Authority of your Office when called upon for protection and justice. Our Association is facing an existential attack from vested interests who have approached this office and courts with dirty hands with ulterior and oblique motives. We seek and pray for the protection of this office from these frivolous, vexatious and motivated attacks. We humbly request that the Registrar of Societies, on being satisfied with our Association's submissions, may please allow the Association to function without being victimised and fulfil its objectives. We assure you of our highest cooperation.

Thank you

Yours sincerely,

Dr. Jagan Mohan R,
Secretary, ASTRWA.

List of Attachments:

1. Exhibit A – Minutes of the Meeting dt. 16-10-2016
2. Exhibit B – Minutes of the Meeting dt. 19-12-2016
3. Exhibit C – Notices by TNPCB
4. Exhibit D – Notice from BDO

5. Exhibit E – SC-SDM Notice
6. Exhibit F – Photos of the STP Inauguration
7. Exhibit G – Copy of a Model Regularisation Application
8. Exhibit H – Copy of the OS
9. Exhibit I – Declaration of HUF
10. Exhibit J - Acknowledgement of Receipt
11. Exhibit K – Interim Injunction against Defamation
12. Exhibit L – Anonymous defamatory notices