

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11829 of 2015

and

M.P.No.1 of 2015

Manoj Pardeshi

.. Petitioner

vs

- 1.Union of India
Represented by its Secretary
Health, 156 A, Nirman Bhavan
New Delhi
- 2.Inspector General of Registration
100, Santhome High Road
Chennai 28
- 3.The Registrar of Societies
South Chennai
No.9, Jennis Road
Saidapet, Chennai 15.
- 4.National AIDS Control Organisation -
NACO
Department of Health and Family Welfare
Government of India,
6th and 9th Floor, Chanderlok Building
36, Janpath, New Delhi 110 001
- 5.Indian Network for People Living with
HIV/AIDS (INP+)
Represented by its President/General
Secretary
Having its Office at
Flat No.10, 3rd Floor, Kash Towers
New No.121, (Old No.94),
South West Boag Road
T.Nagar, Chennai 17.
- 6.K.K.Abraham

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to consider the representation dated 18.10.2011, given by the petitioner to initiate appropriate legal action under the provisions of Societies Registration Act, regarding the financial irregularities and other acts of misdeeds pointed out in the minutes of the proceedings of the first respondent dated 22.10.2010.

For Petitioner : Ms.Geetha Ramaseshan
For Respondents : Mr.Su.Srinivasan
Assistant Solicitor General
for RR1 & 4
Mr.V.Subbiah
Special Government Pleader
for RR2 & 3

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is a Principal Investigator for various studies on prevention and responses of communities for various global organisations including United Nations Development Programmes and also a Member of the fifth respondent-Society, which is registered under the Tamil Nadu Societies Registration Act on 5.5.1997.

3.The petitioner would further state that the aim and objects of the fifth respondent-Society is to provide opportunity for the voices of people living with HIV/AIDS, especially women and children, who have been disenfranchised throughout the country to be heard in unison, and the Society has been created with the sole purpose of addressing the complex issues relating to persons having HIV/AIDS. According to the petitioner, the affairs of the fifth respondent-Society have been mismanaged with the funds diverted over the past few years and he has been steadily and stealthily transferring amounts that were donated to the fifth respondent from India and abroad, to another organisation viz. Positive Support Fund, and further to Human Development Resource Network, created and managed by him as one of the key functionaries. The fifth respondent is also a Non-Governmental Organisation and it has received huge funds from the fourth respondent and also from national, international and other bilateral donors and they are governed by the Foreign Contribution Regulation Act (FCRA).

4.The petitioner pointing out the above said illegalities, sent a representation dated 18.10.2011, to the second and third respondents and also a further representation dated 19.10.2011, to the first respondent. The Personal Assistant attached to the Office of the first respondent, vide communication sent under the Right To Information Act dated 15.7.2013, to one Thiru.Rama Pandian, has informed that the District Registrar, Central Chennai, vide letter No.50371/I2/2011 dated 28.11.2011, was advised to take appropriate action.

5.The grievance expressed by the petitioner, is that in spite of such representations, no action has been taken on the misdeeds pointed out, and hence, he came forward to to file this writ petition.

6.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the typed-set of documents and would submit that though very many instances have been pointed out,

alleging misdeeds, diversion of funds and mismanagement, with regard to the affairs of the fifth respondent-Society, no action has been taken so far and hence, prays for appropriate orders.

7.Mr.Su.Srinivasan, learned Assistant Solicitor General, accepts notice for the respondents 1 and 4 and Mr.V.Subbiah, learned Special Government Pleader, accepts notice for the respondents 2 and 3.

8.This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the second respondent to consider and dispose of the representation dated 19.10.2011, submitted by the petitioner, on merits and in accordance with law, after putting the sixth respondent on notice, and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the sixth respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The Secretary
Health, 156 A, Nirman Bhavan
New Delhi
- 2.The Inspector General of Registration
100, Santhome High Road
Chennai 28
- 3.The Registrar of Societies
South Chennai
No.9, Jennis Road
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NACO
Department of Health and Family Welfare
Government of India,
6th and 9th Floor, Chanderlok Building
36, Janpath, New Delhi 110 001.

- + 1 cc to M/s. Geeta Ramaseshan, Advocate SR.22259
- + 1 cc to Mr.Su.Srinivasan, Advocate SR.
- + 1 cc Government Pleader Sr.

W.P.No.11829 of 2015

VGI (CO)

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