

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35530 of 2015

1 A.Rajendran
S/o.Arokiyasamy Srilakshmi Narayanan
Agencies at No.29 Kodikkal Road
Thiruvarur-610 001 ... Petitioner

Vs

1 The District Registrar of
Societies Thiruvarur District at
Nagapattinam
2 Thiruvarar Vijayapuram
Varthagar Sangam Bye-Pass Road Thiruvarur
Rep. by its President Mr.C.Balamurugan Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the First Respondent to conduct fresh election for the second respondent sangam with old and eligible members as also to conduct enquiry into non-submission of accounts and other records of the Sangam for the past three years as per the Tamil Nadu Societies Registration Act and to proceed in accordance with law.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.R.Vijayakumar,A.G.P.for R1

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ORDER

Heard Mr.P.Saravanan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the first respondent and with the consent of parties, the writ petition itself is taken up for final disposal.

2. The petitioner seeks for issuance of a writ of mandamus to direct the first respondent to conduct fresh election for the second respondent society with eligible members and also conduct an enquiry with regard to certain misfeasance and malfeasance committed by the office bearers of the society.

3. The petitioner is a member of the second respondent society, which is a registered society under the provisions of the Tamil Nadu Societies Registration Act. According to the petitioner, the office bearers of the society have misappropriated the funds of the society and there are various other violations committed by them. In this regard, the petitioner made several representations and in the recent inspection conducted by the District Registrar on 1.9.2015, it was noted that the executive committee members have been selected without even conducting the election. Furthermore, the report also states that such selection of executive committee members is contrary to by-law Nos.8 and 21. The said report further states that the by-laws of the society, namely, by-law Nos.8 and 21 have to be amended and the returns for the years 2012-13, 2013-14 and 2014-15 have to be filed.

4. The grievance of the petitioner is that inspite of several representations given from June 2015 i.e. on 6.6.2015, 14.8.2015, 31.08.2015, 8.9.2015, 9.9.2015, 15.09.2015 and 14.10.2015, the first respondent has not initiated any action. Therefore, the petitioner would state that the first respondent is a silent spectator to the illegal activities of the second respondent Society and has not taken any action in spite of the petitioner having brought to the notice about the huge financial mis-appropriation, enrolling ineligible traders, who are non-traders and outsiders, numbering about 170, not filing the returns and accounts, which are mandatory in nature etc.

5. Since the writ petition is disposed of at the admission stage, the merits of the allegations made by the petitioner as against the office bearers of the second respondent society are not gone into. Though the petitioner has made certain personal allegations against the office bearers, they have not been made as party respondents in their personal capacity. This is one more reason why this Court is not going into the merits of the case. However, it does not mean that the first respondent can maintain silence over the matter, inspite of his inspection report dated 1.9.2015, pursuant to an inspection conducted by him. Based on these facts, the learned Additional Government Pleader submitted that reasonable time may be granted to the first respondent to proceed in accordance with law.

6. In the light of the above, the writ petition is disposed of by directing the first respondent to consider the petitioner's representations as referred to above, issue notice to the second respondent and its office bearers, hear the parties, including the petitioner and pass a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions are closed.

sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

msk

To

1 The District Registrar of
Societies Thiruvarur District at
Nagapattinam

+1 CC to MR.V.J.Arul Raj Advocate. SR.NO. 60388
+1 CC to Govt.Pleader. SR.NO. 60921

W.P.No.35530 of 2015

CO-SKV
JD 19/11/2015

सत्यमेव जयते

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