

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.39889 of 2015

and

M.P.No.1 of 2015

Mr.S.R.Raja

... Petitioner

Vs.

1. M/s.The Suguna Vilasa Sabha (S.V.S.),
rep. by its Secretary,
No.57, Anna Salai, Chennai-600 002.

2. The Registrar,
O/o.The Registrar of Societies,
Central Chennai,
Roypettah, Chennai-600 014.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 07.12.2015 within a time frame.

For Petitioner : Mr.K.Seetha Ram

For respondents : Mr.Balakrishna Srinivasan (For R1)
Mr.P.Sanjay Gandhi,
Additional Government Pleader(For R2)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 07.12.2015 within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The 1st respondent-Sabha was originally found in the year 1891 by one Mr.Sambanda Mudaliar as dance, drama an cultural association. Later, during the year 1920, it was registered as a Social & Cultural Sabha vide Registration No.8/1920 on the file of the 2nd respondent. Since then, the 1st respondent-Sabha has been in the service of

social welfare, well being and socialization of its members. The 1st respondent-Sabha is administered by Governing Body elected by its members following the Bye-laws as established in the year 1920 and as amended time to time, as approved and overseen by the 2nd respondent. The petitioner joined the 1st respondent-Sabha as a member in the year 1998 and since then, he has been paying the subscription regularly without any delay of default. The petitioner has contributed in several ways for the growth and development of the 1st respondent-Sabha.

2-2.While so, the 1st respondent with some ulterior motive had issued a letter dated 25.08.2015 stating that the petitioner has unnecessarily assaulted one Mr.Jayachandran on 24.08.2015 in the cards room and thereon, the 1st respondent appointed Disciplinary Committee to look into the matter. The petitioner was put on notice, not to use the Sabha's facilities till the completion of the enquiry. The petitioner was restrained to enter the Sabha by the 1st respondent by its order-cum-letter dated 25.08.2015. Aggrieved over the same, the petitioner has filed a suit for declaration in O.S.No.5019 of 2015 before the learned III Assistant Judge, City Civil Court, Chennai. Along with the said suit, the petitioner has also filed an Interlocutory Application in I.A.No.12851 of 2015 seeking for interim injunction restraining the 1st respondent from any way interfering with the ingress and egress of the petitioner and his lawful enjoyment and peaceful exercise of his rights and privileges as a member of the 1st respondent-Sabha. In the said IA, the Court below has granted interim injunction till 11.09.2015. Thereafter, the 1st respondent herein had filed counter. Subsequently, after hearing both sides, the Court below dismissed the said IA on 09.10.2015. It is the case of the petitioner that the order/letter dated 25.08.2015 issued by the 1st respondent-Sabha restraining the petitioner from entering and using the facilities of the Sabha, is valid only three months ie., from 25.08.2015 to 24.11.2015. The 2nd respondent is the competent authority to take action against the violators of the bye laws of the 1st respondent-Sabha. However, the petitioner is restrained to enter the Sabha by the Governing Committee of the 1st respondent-Sabha. Hence, the petitioner has made a representation dated 07.12.2015 to the 2nd respondent seeking to take necessary action against the Governing Body who violated the bye law of the 1st respondent-Sabha. Since no action was taken by the 2nd respondent on the petitioner's representation, the present writ petition has been filed by the petitioner before this Court.

3.Heard both sides and perused the materials available on record.

4.Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the

claim of the petitioner, this Court directs the 2nd respondent to consider the representation dated 07.12.2015 given by the petitioner and pass appropriate orders, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssv

To

The Registrar,
O/o.The Registrar of Societies,
Central Chennai,
Roypettah, Chennai-600 014.

+3cc's to Mr.K.Seetha Ram, Advocate, S.R.Nos.12837 & 12403
+1cc to the Government Pleader, S.R.No.12560

W.P.No.39889 of 2015
and
M.P.No.1 of 2015

GJ(CO)
CA(02/03/2016)

सत्यमेव जयते

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