

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22642 of 2016

Mathew Verghese
Mullamoottil House,
Makkamoola, Marthomma Nagar Post,
Gudalur, The Nilgiris - 643 211

.. Petitioner

Vs.

1.The Inspector General of Registration
Registrar of Societies, Chennai - 600 028.

2.The District Registrar,
District Registrar Office,
Udhagamandalam.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner representation dated 21.07.2015 and take such action as may be required as per law, after giving notice to all parties concerned.

For Petitioner : Mr. John Zackariaa
For Fox Mandal and Asso.
For Respondents : Mr. P. Sanjai Gandhi
Additional Government Pleader

O R D E R

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

2 One Geo. K. Mathew had filed WP.No.15803/2014 praying for issuance of a writ of mandamus, directing the District Registrar, Udhagamandalam, forthwith consider and pass orders on the representation dated 11.03.2014 and take action against Gudalur Marthoma Registration Society represented by the Secretary in accordance with law and it was disposed of on 03.09.2014 with a direction, directing the 1st respondent to consider and dispose of the said representation of the petitioner. The 2nd respondent herein, in compliance of the order, has conducted an enquiry and vide proceedings dated 29.06.2015 has observed as follows:-

".....

It is unfortunate that the Governing body [committee] of the Society has not been constituted as required under section 15[3] of the Tamil Nadu Societies Registration Act, 1975 not has any earnest attempt been made so far to get an exemption from the above proviso, from the authorities concerned.

That apart, the Governing body of the Gudalur Mar Thoma Education Society is hereby directed invoking the provisions of Sec 36[9] of the Tamil Nadu Registration Act, 1975 to conduct the affairs of the society regarding its constitution, working and financial with due diligence to the provisions enshrined in the Act as well as the society's bye-laws and follow the same in letter and spirit lest action contemplated vide section [37] of the Act shall be initiated."

The petitioner claiming to be one of the life members of Mara Thoma Society, submitted a representation dated 21.07.2016 to the 1st respondent followed by a reminder dated 06.10.2015 praying for appropriate action in terms of the above said report of the 2nd respondent and since no action has been forthcoming, the petitioner came forward with the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4 Section 34 of the Tamil Nadu Societies Registration Act, 1975 gives power to the Registrar to call for information or explanation and section 34-A speaks about the supersession of the Committee.

5 In the light of the above facts and circumstances, the petitioner is at liberty submit a representation to the Principal Secretary, Commercial Taxes and Registration Department, Secretariat, Fort St George, Chennai-600 009, as to the further action to be taken along with a copy of the report of the 2nd respondent dated 29.06.2015 within a period of two weeks from the date of receipt of a copy of this order and the Principal Secretary, Commercial Taxes and Registration Department, on receipt of such representation, is directed to consider the same in accordance with law, after putting on notice Mar Thoma Society and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the said Mar Thoma Society.

6 The writ petition is disposed of with the above
direction. No costs.
AP

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The Inspector General of Registration
Registrar of Societies, Chennai - 600 028.
- 2.The District Registrar,
District Registrar Office,
Udhagamandalam.

Copy to:-

The Principal Secretary,
Commercial Taxes and Registration Department
Secretariat, Fort St George,
Chennai 600 009.

+ 1 cc to M/s.Fox Mandal Associates , Advocate SR 36652

+ 1 cc to Govt.Pleader SR 37495

nm(co)
prk19/7

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