

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.5345 of 2017

N.Ayyappan

.. Petitioner

Vs

1.The District Collector,
Chennai District,
Singaravellan Maligai,
Chennai.

2.The District Registrar (Admin.),
(Registrar of Societies),
District Registration Office,
North - Chennai.
Chennai - 1.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the second respondent to submit his report before the first respondent as per its proceeding No.Na.Ka.E2/18841/2016, dated 20.10.2016 issued by the first respondent.

For petitioner : Mr.M.Ravibharthi
For Respondents : Mr.A.Kumar, Spl.GP

O R D E R

The petitioner has filed this writ petition seeking a direction to the second respondent / the District Registrar (Admin.), Chennai, to submit his report before the first respondent / the District Collector, Chennai, as per the proceedings dated 20.10.2016 issued by the first respondent.

2. Heard the learned counsel appearing on either side.

3. The petitioner is a Member in the "Pothu Nala Mandram", a society registered under the Tamil Nadu Societies Registration Act, 1860. There are 560 registered members in the said Society and they are empowered to select the office bearers of the Society. The grievance of the petitioner is that as per the Clause 3 of the bye-law of the Society, the election must be

conducted every two years to elect the President, Vice-President, General Secretary, Deputy Secretary, Treasurer and other officers. However, in the present case, lastly the election was held only on 08.09.2010 to select the above said office bearers. Thereafter, the so-called bearers have not conducted the election to the Society which is against the by-laws of the Society. Taking advantage of this, he pleaded, the said office bearers have been flouting the funds of the society by misappropriating the subscriptions and the donation received in the name of the Society. Therefore, the petitioner, along with other members, have made a representation dated 29.01.2016 to the second respondent to take action against those office bearers. Thereafter, on 20.10.2016, the first respondent, after conducting inspection, sought for some details regarding renewal, bank account details, etc., from the second respondent, but, till date, the the second respondent has not submitted any report on the same.

4. On getting instruction, Mr.A.Kumar, learned Special Government Pleader, by accepting notice for the respondents, submitted that the present writ petition is a pre-mature one, for, on receipt of the notice dated 20.10.2016 from the first respondent, the second respondent has sent notices dated 20.10.2016, 30.12.2016, 30.01.2017 and 28.02.2017 to the office bearers of the Society calling for an explanation from them within a period of 15 days with regard to the alleged misappropriation as sought for by the petitioner in his representation. It has also further advised them to keep all the records for further inspection. Therefore, it submitted that after getting an explanation and also after conduction the inspection, the second respondent would submit his report to the first respondent.

5. Thus, in view of the above said submission of the learned Special Government Pleader for the respondents that the second respondent is in the process of concluding the report to submit the same before the first respondent, I do not find any merit on the prayer made by the petitioner cited supra, hence, hence, on this score, the writ petition fails and the same is dismissed. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

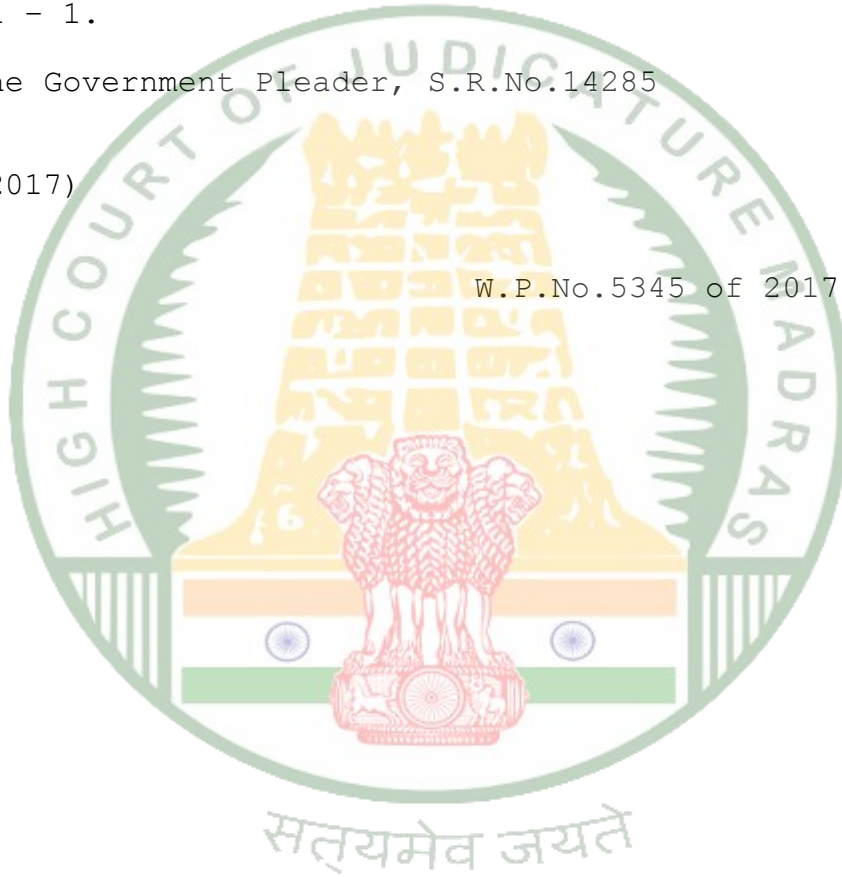
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+1cc to the Government Pleader, S.R.No.14285

nr(CO)
md(21/03/2017)

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