

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.39306 of 2003 &
W.M.P. No.47570 of 2003

Chellam (alias) Ocha Thevar

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome, Chennai.28.

2.The District Registrar,
Periakulam, Theni District.

3.Mr.O.Durairaj

4.Mr.O.R.Ramachandran

5.MR.K.Thavasi

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the second respondent in relation to his proceedings No.O.M.N.13796/A2/2002 dated 3.3.2003 and quash the same and issue a consequential direction to the respondent no.2 to hold an inquiry under Section 36 of the Tamil Nadu Societies Registration Act.

For Petitioner

: No appearance

For Respondents

: Mr.A.Zakir Hussain

Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner challenging the proceedings of the Second Respondent in No.O.M.N.13796/A2/2002 dated 03.3.2003, rejecting the request made by the petitioner for conducting the inquiry under Section 36 of the Tamil Nadu Societies Registration Act.

Brief Facts:-

The petitioner is the member of Kallar Kalvi Kazhagam, which is a registered under the Societies Registration Act. It was formed to promote and safeguard the interest of the Piraimalai Kallar community who were educationally, socially and economically backward.

2. In the Society there was a serious dispute among the members regarding elections of the Managing Committee, for which a group of members filed Civil Suits and the same were also pending before the various civil Courts. The petitioner filed a petition before the District Registrar for conducting enquiry under Section 36 of the Co-operative Societies Act. The Second Respondent has rejected the request of the petitioner on the ground that the Suit No.177 of 2002 which relates to Form VII and election is pending before the District Munsif Court, Usilampatti and therefore his request for conducting the enquiry under Section 36 of Co-operative Societies Act is not feasible and hence the second respondent passed the impugned order, rejecting the request of the petitioner.

3. There is no representation on behalf of the petitioner. Heard the learned Government Advocate for the respondents.

4. On a perusal of the impugned order dated 03.03.2003, this Court is satisfied that when the civil suit is pending for the very same aspect, it is not fair on the part of the second respondent to conduct enquiry and therefore the order passed by the District Registrar is perfect and valid.

5. In view of the above, I am not inclined to interfere with the order passed by the second respondent.

6. Hence, this Writ Petition is dismissed. However, this order would not stand in the way of the petitioner to institute the proceedings after the disposal of the civil suit. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Asst.Registrar (CS VI)

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Sub Asst. Registrar

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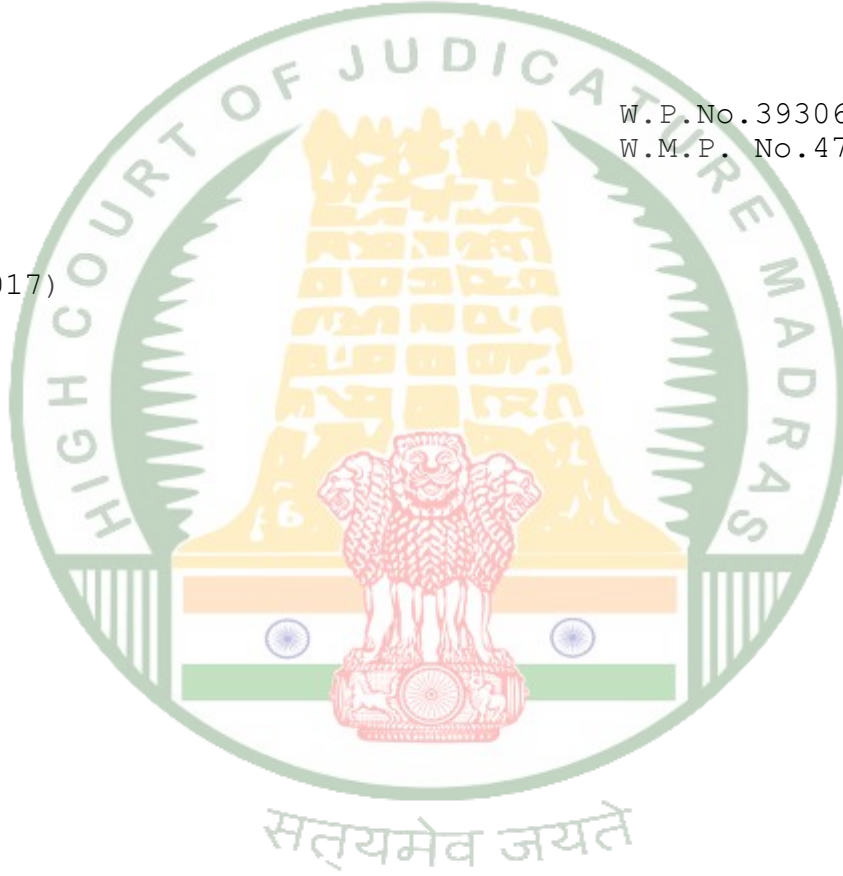
To

1. The Inspector General of Registration,
Santhome, Chennai.28.
2. The District Registrar,
Periakulam, Theni District.

+lcc to the Government Pleader, Sr. 53669

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GP (CO)
VR(28/8/2017)



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