



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.404 of 2017
and
C.M.P(MD).No.3662 of 2017

I.Thirumalapuram Nadargal Uravinmurai Sangam,
Reg.No.177/98,
Rep by its President, Thiru.M.V.C.Suriyan,
No.35, Bazar Street, Thirumalapuram,
Bodinayakkanur, Theni District. : Appellant
Vs.

1.V.N.Jeya Prakash
2.The Inspector General of Registration,
[Societies], Santhome High Road,
Chennai 28.10.2016

3.The District Registrar [Societies],
Periyakulam, Theni. : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 14.12.2016 made in W.P.(MD).No.23533 of 2016, on the file of this Court.

Prayer in WP(MD). 23533/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 18.08.2016 within the stipulated time fixed by this Honble High Court with regard to the renewal of registration of Bodinayakanur Thirumalapuram Nadargal Uravinmurai School Committee Society having Registration Number as No. 108/1964.

For Appellant : Mr.S.C.Herold Singh

For Respondent No.1 : Mr.T.Antony Arul Raj

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents 2&3 : Mr.V.Muruganantham
Additional Government Pleader



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.C.Herold Singh, learned counsel appearing for the appellant, Mr.T.Antony Arul Raj, learned counsel appearing for the first respondent and Mr.V.Muruganantham, learned Additional Government Pleader, appearing for the respondents 2 and 3. By consent, the Writ Appeal is taken up for final disposal at the stage of admission itself.

2. This Writ Appeal has been filed challenging the order dated 14.12.2016 made in W.P.(MD).No.23533 of 2016.

3. In the Writ Petition, the first respondent/writ petitioner herein sought for an innocuous relief to consider the representation dated 18.08.2016 within a stipulated time for renewal of the registration of Bodinayakkanur Thirumalapuram Nadargal Uravinmurai School Committee Society, having registration No.108 of 1964.

4. The learned counsel, who appeared for the Writ Petitioner before the Writ Court, submitted that it would suffice, if the representation of the Writ Petitioner was directed to be considered and disposed of, on merits and in accordance with law, within a time frame. Thus, the Writ Court, in view of the limited scope of the prayer sought for and without going into the merits of the case, directed the official respondents to consider the representation of the Writ Petitioner dated 18.08.2016 and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of the order. As observed earlier, the prayer sought for in the Writ Petition is an innocuous relief and therefore, the Writ Court directed the representation to be considered. But, however, what the first respondent/writ petitioner seeks to do is to reopen the settled proceedings, which attained finality before the Hon'ble Division Bench of this Court.

5. Earlier, the society, which was registered as "108 of 1964" and two other persons filed Writ Petitions in W.P.(MD)No.2594 of 2004, W.P.(MD).No.499 of 2005 and W.P.(MD).No.500 of 2005, In the said Writ Petitions, they sought for setting aside the order passed by the District Registrar (Administration), Periyakulam and consequential orders passed by the Director of School Education, in and by which, 1964 society is stated to be merged with the appellant society. The Writ Court, after elaborately hearing the parties, dismissed the Writ Petitions, by a Common Order dated 12.01.2007, as against which, Writ Appeals were filed before the Division Bench in W.A.(MD).Nos.122 to 124 of 2009. All the Writ Appeals were dismissed by a Common Judgment dated 13.10.2015, confirming the order passed in the Writ Petitions. The Division Bench, while dismissing the Writ Appeals, observed that the Writ



Court was fully justified in dismissing the Writ Petitions and directing the parties to approach the Civil Forum to establish their rights.

6. The present attempt of the first respondent/writ petitioner is to reopen the settled proceedings, without approaching the Civil Court. The *locus standi* of the first respondent/writ petitioner is also doubtful. Admittedly, 1964 society has not approached the Court. In fact, 1964 society does not exist and it has merged with the appellant society. Therefore, if the direction issued in the Writ Petition is allowed to stand, it will unsettle the settled matters and it will pave way for another round of litigation before this Court, which should not be permitted.

7. In view of all the above, the order dated 14.12.2016 made in W.P.(MD).No.23533 of 2016 is set aside and the Writ Petition in W.P.(MD).No.23533 of 2016 filed by the first respondent/writ petitioner is dismissed and the Writ Appeal is allowed. No costs.

Sd/-
ASSISTANT REGISTRAR(AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Inspector General of Registration,
[Societies], Santhome High Road,
Chennai 28.10.2016

2.The District Registrar [Societies],
Periyakulam, Theni.

NB

MAS/KP:02.05.2017:3P-3C

JUDGMENT MADE IN
W.A.[MD].No.404 of 2017
11.04.2017