

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.07.2018
Coram

The Hon'ble Mr.Justice T.Raja

Writ Petition No.17092 of 2018
and
W.M.P.No.20359 of 2018

S.K.Mohanasamy

...Petitioner

Vs.

1. The District Registrar (Administration)
Erode.
2. T.A.Venkatachalam,
President,
Kongu Vellalar Nasiyanur Kannakula Kothirathar
Narpani Mandram, Registration No.121/1987,
No.1499, Brindavan Hotel Complex,
Mettur Road, Erode-II.
3. V.Shanmugan,
Secretary,
Kongu Vellalar Nasiyanur Kannakula Kothirathar
Narpani Mandram, Registration No.121/1987,
No.1499, Brindavan Hotel Complex,
Mettur Road, Erode-II.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to take appropriate action on the representation given by the petitioner, dated 04.06.2018, and to proceed under Section 34 (A) of the Tamil Nadu Societies Registration Act , 1975 and to conduct the general body meeting of the society to elect the Committee Members and till then to take possession of movable and immovable properties of the Kongu Vellalar Nasiyanur Kannakula Kothirathar Narpani Mandram, Erode and put the lock and seal of the Sri Appathal Mandapam of the said Society.

For Petitioner :Mr.V.Elangovan
For Respondent-1 :Mr.T.M.Pappiah
Special Government Pleader

O R D E R

Heard Mr.V.Elangovan, the learned counsel appearing for the petitioner and Mr.T.M.Pappiah, the learned Special Government Pleader accepting notice on behalf of the respondents. Since this Writ Petition is taken up for disposal at the stage of admission itself and considering the nature of relief to be granted herein, this Court is of the view that notice to the second and third respondents shall be dispensed with.

2.The petitioner claiming to be one of the Executive Committee Members of the Kongu Vellalar Nasiyanur Kannakula Kothirathar Narpani Mandram, Erode, has come to this Court seeking a writ of mandamus to the first respondent, the District Registrar (Administration) to take appropriate action on his representation, dated 04.06.2018, and to proceed under Section 34 (A) of the Tamil Nadu Societies Registration Act , 1975 and conduct a General Body Meeting of the Society, so as to elect the Committee Members with a further direction to take possession of movable and immovable properties of the aforesaid Society and also to lock and seal a Mandapam, called 'Sri Appathal Mandapam' of the said Society.

3.When the Writ Petition is taken up today, the learned counsel appearing for the petitioner, in support of the aforesaid prayer, submits that after the election was held in the year 2012, the tenure of the elected Office Bearers came to an end in April, 2015, and instead of holding an election to elect fresh Office Bearers, till date, the respondents have not come forward to hold such election, as a result, the erstwhile Office Bearers are continuing the service. Since several irregularities have taken place, the petitioner made a representation to the first respondent on 04.06.2018 to hold a fresh election. But, the first respondent has not disposed of the said representation yet, and as such, the petitioner has filed this Writ Petition contending the inaction of the first respondent to be illegal and arbitrary and seeks for a writ of mandamus to the first respondent to dispose of such representation in a time bound manner. Intervening at this stage, Mr.T.M.Pappiah, the learned Special Government Pleader appearing for the first respondent submits that, if such representation is pending, the first respondent shall have no objection to dispose of the same in accordance with law, however, he requests that some reasonable time may be given, preferably, eight weeks for disposal of the same. In such premises, this Court disposes of this Writ Petition with a direction to the first respondent to dispose of the representation of the petitioner, dated 04.06.2018, made for the

purpose of conducting a fresh election, in accordance with law, if not already disposed of within a period of eight weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is made clear that this Court has not expressed any opinion on the merits of the representation of the petitioner, in any manner. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sd

To

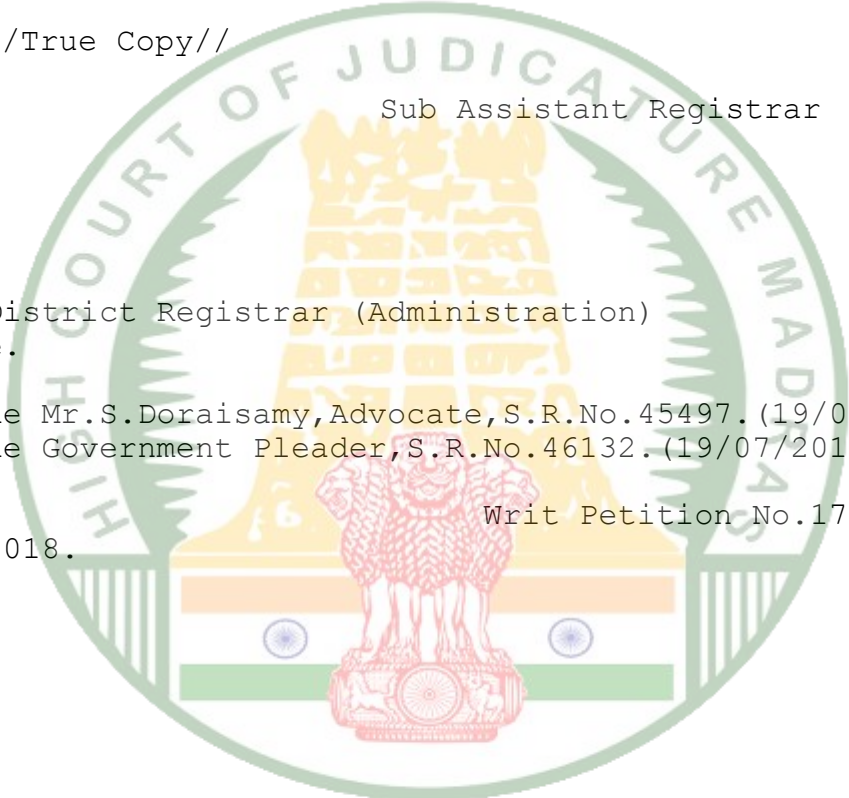
1. The District Registrar (Administration)
Erode.

+1cc To the Mr.S.Doraisamy, Advocate, S.R.No.45497. (19/07/2018)

+1cc To the Government Pleader, S.R.No.46132. (19/07/2018)

Writ Petition No.17092 of 2018

BM 18/07/2018.



सत्यमेव जयते

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