

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18586 of 2018

Mr.C.Mohan Das

.. Petitioner

-vs-

1. The Registrar of Societies
No.100, Santhome Road
Mylapore
Chennai 600 004

2. The Malayalee Club
rep.by its Secretary Mr.M.Padmanabhan
No.28, Club Road, Srinivasa Nagar
Chetpet, Chennai 600 031

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to take appropriate action under Section 36 of Tamil Nadu Societies Registration Act, 1975 against the illegal management of the second respondent and illegal AGM and election conducted on 17.06.2018 by the second respondent and take steps to administer the second respondent club in accordance with law.

For Petitioner :: Mr.A.Rajendra Kumar

For Respondents :: Mrs.P.Rajalakshmi
Additional Government Pleader

ORDER

This writ petition has been filed seeking a mandamus directing the Registrar of Societies, Mylapore, Chennai, the first respondent herein to take appropriate action under Section 36 of the Tamil Nadu Societies Registration Act, 1975 against the illegal management of the second respondent and illegal AGM and election conducted on 17.06.2018 and to take steps to administer the second respondent club in accordance with law.

2. Learned counsel for the petitioner is not even able to define what is the power of the Registrar conferred under Section 36 of the Tamil Nadu Societies Registration Act, 1975,

as Section 36 speaks that a Registrar may of his own motion or on the application of the majority of the members of the committee of a registered society, or on the application of not less than one third of the members of that registered society or if so moved by the District Collector hold or direct some person authorised by the Registrar by order in writing to hold an enquiry into the constitution, working and financial condition of the registered society. The said application to the Registrar shall be supported by such evidence as the Registrar may require for the purpose of showing that the applicants have good reason for applying for the enquiry. But in the present case, there is no such application filed, supported by one third of the members. Therefore, this Court is not able to entertain the writ petition. Secondly, the petitioner has also filed a civil suit in C.S.No.387 of 2018 praying for permanent injunction restraining the second respondent, namely, the Malayalee Club at Chetpet, Chennai from conducting the AGM and the election on 17.6.2018. Subsequently, as the AGM was held and the elections were also conducted on 17.6.2018, the suit filed by the petitioner also became infructuous. In that view of the matter, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.21933 of 2018 is also dismissed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar of Societies
No.100, Santhome Road
Mylapore
Chennai 600 004

+1cc to Mr.G.VIJAY ANAND ASSO, Advocate, S.R.No. 49186
+1cc to the Government Pleader, S.R.No. 50353

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TR(03/08/2018)