

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.28181 of 2018

and

W.M.P.Nos.32846 & 32849 of 2018

M.David

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its District Collector,
Salem District.
- 2.The District Superintendent of Police,
Salem District, Salem.
- 3.The Deputy Superintendent of Police,
Mettur Division,
Mettur, Salem District.
- 4.The Inspector of Police,
Mettur Dam, Salem District.
- 5.Registrar of Societies (Dist. Registrar)
Collectorate Campus,
Salem District, Salem.
- 6.Rev.S.Jayaram Jabaveeran
Pastor,
Ceylon and India General Mission Church,
Dr.Subrayan Nagar, Mettur Dam,
Salem District - 636 401.

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 5th respondent from in any manner register the illegal by-law will be submitted by the sixth respondent which terms and conditions are inconsistence and violation of the provisions of the Tamil Nadu Societies Registration Act, by conducting an illegal election conducted by the 6th respondent violating teh provisions of the Act and to take action according to the representation dated 18.10.2018 submitted by the affected congregation, to the respondents 1 to 4.

For Petitioner : Mr.S.Balasubramanian
For RR1 to 4 : Mr.V.Shanmugasundar,
Special Government Pleader
For R5 : Mr.T.M.Pappiah,
Special Government Pleader
For R6 : Mr.N.Manokaran

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus to forbear the fifth respondent from in any manner registering the illegal bye-law to be submitted by the sixth respondent, which terms and conditions are inconsistent and in violation of the provisions of the Tamil Nadu Societies Registration Act, by conducting an illegal election by the sixth respondent violating the provisions of the Act and to take action on the representation dated 18.10.2018 submitted by the affected congregation to the respondents 1 to 4.

2. It is stated that the sixth respondent is forcibly attempting to register the bye-law before the fifth respondent, of which the terms and conditions are inconsistent and in violation of the provisions of the Tamil Nadu Societies Registrations Act by conducting an illegal election. In this regard, a representation was made by the affected congregation including the petitioner on 18.10.2018, requesting to take action against the sixth respondent and to stop the election and introduce a common bye-law for their church, but, the same is yet to be disposed of by the respondents 1 to 4. Hence, the petitioner is before this Court.

3. Heard Mr.S.Balasubramanian, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents 1 to 4 as well as Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent No.5 and Mr.N.Manokaran, learned counsel appearing for the respondent No.6.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondents 1 to 4 to consider the petitioner's representation dated 18.10.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, sixth respondent herein and the persons interested in this regard and also affording them an opportunity of

personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1. District Collector,
Salem District.
2. The District Superintendent of Police,
Salem District, Salem.
3. The Deputy Superintendent of Police,
Mettur Division,
Mettur, Salem District.
4. The Inspector of Police,
Mettur Dam, Salem District.
5. Registrar of Societies (Dist. Registrar)
Collectorate Campus,
Salem District, Salem.

+3ccs to Mr.S.Balasubramanian, Advocate, S.R.No.88292
+1cc to Mr.N.Manokaran, Advocate, S.R.No.88638
+1cc to the Government Pleader, S.R.No.89458

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EV(CO)

rrs 09/01/2019

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