



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13.08.2018

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

W.A. (MD) No.876 of 2017
and
C.M.P (MD) Nos.5864 & 5865 of 2017

Dindigul Muslim Kalvi Sangam,
No.2A, Scheme Road,
Dindigul District,
Dindigul,
Rep. by its Secretary

.. Appellant/3rd Respondent

Vs.

1. P.C.N.M.Abdul Wahab ... 1st Respondent/Writ Petitioner
2. The Inspector General of Registration,
Santhome, Chennai.
3. The District Registrar(Societies),
Registration Department,
Dindigul District,
Dindigul. .. 2nd & 3rd Respondents/1st & 2nd Respondents

Prayer : Writ Appeal filed under Section 15 of Letters Patent, to set aside the order dated 25.05.2017 passed in W.P(MD)No.9849 of 2017 and allow the writ appeal as prayed for.

Prayer in WP(MD)No.9849/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st and 2nd respondents to take appropriate action against the 3rd respondent under section 38 of the Tamil Nadu Societies Registration Act by considering the petitioner's representation dated 18.5.2017 within a time frame as fixed by this Hon'ble Court.



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For Appellant	: Mr.C.Venkatesh Kumar for M/s.Ajamal Associates
For R-1	: No Appearance
For R-2 & R-3	: Mr.M.Murugan, Government Advocate

JUDGMENT

**[Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.]**

The Writ Petition in W.P(MD)No.9849 of 2017 was filed seeking for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents therein, to take appropriate action against the 3rd respondent/appellant, under Section 38 of the Tamil Nadu Societies Registration Act.

2. The said writ petition was disposed of directing the second respondent therein to consider the representation of the writ petitioner dated 18.05.2017 and pass appropriate orders on the same, within a period of four weeks.

3. Aggrieved by the said order, the above writ appeal is filed.

4. When the writ appeal came up for admission, interim stay was granted, as the writ petition was disposed of even without giving notice to the appellant, who is the third respondent in the writ petition, against whom enquiry was sought for.

5. The grievance of the appellant is that earlier order of the learned single Judge was passed without giving notice to the appellant and it would be prejudicial, if the authorities conducted an enquiry without giving him proper notice.

6. The learned counsel for the appellant submits that it would suffice if the appellant is issued with appropriate notice and given a personal hearing, before passing orders on the representation of the first respondent/writ petitioner, dated 18.05.2017.

7. Accordingly, the third respondent is directed to issue notice of hearing to the appellant/third respondent and also afford him a personal hearing, before passing any order on the representation of the first respondent/writ petitioner, dated 18.05.2017. However, such exercise should be completed within a period of six weeks from the date of receipt of a copy of this judgment.



8. With the above direction, the writ appeal is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar(Societies),
Registration Department,
Dindigul District,
Dindigul.

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 78337
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78442

PM
TE/RP/SAR-1 : 03/09/2018 : 3P/5C

Judgment made in
W.A(MD)No.876 of 2017
13.08.2018