



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.10.2018

CORAM:

**THE HONOURABLE MR. JUSTICE V. PARTHIBAN**

W.P.(MD) No.21849 of 2018

WEB COPY

B.Muthukumar

... Petitioner

vs.

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Revenue Divisional Officer,  
Tirunelveli,  
Tirunelveli District.

3.The District Registrar(Societies),  
Tenkasi,  
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents to consider and dispose of the representations dated 10.09.2018 and 04.10.2018 by invoking the powers vested under the Tamil Nadu Societies Registration Act.

For Petitioner : Mr.V.Vijayshankar

For Respondents : Mr.M.Murugan  
Government Advocate

### O R D E R

The case of the petitioner is as follows:

One Thevar Educational Society was formed and registered under the Tamilnadu Societies and Registration Act bearing Registration No.78 of 1971. The Society was formed for the purpose of starting a College for uplifting the backward class people living in and around Sankarankovil Taluk. The College was started and the Society was administering the College without any issues.

2. However it appears that in the recent past, according to the petitioner, who is seeking to become a member of the Society, the management of the College has drifted away from its original objectives and the persons have acted against the interest of the institution. According to the petitioner, one Mrs.Ramadevi, who is working as Assistant Professor had brought her own family members from Kerala and they are occupying all key positions in the Society



and control the institution. The purpose for which the Society was founded viz., to uplift the people from Thevar Community has been put in the back burner by the persons who are in control of the Society and the College.

3. According to the petitioner, in view of the mismanagement of the society, there were several irregularities allowed to take place. The college no longer admitted the students from Most Backward Class and it was not serving for the interest of the Thevar community for which the Society was originally formed. The society is now filled with the members who are having vested interest and acting against the interest of the principal objectives of the society when it was originally formed.

4. According to the constitution of the Thevar Community, the membership was open to all those who contribute Rs.25,000/-. Accordingly, the petitioner appears to have taken a draft for Rs.25,000/- on 16.04.2018 and sent the same to the society requesting that he may be enrolled as member. As anticipated by the petitioner, the Secretary of the Society has returned the demand draft stating that new membership was not open. Therefore, the petitioner alleges that the Society is being run by few members who are having vested interest and the same is now being managed by a select group of persons for furthering their own interest.

5. In the above said circumstances, as a member of the Thevar community, the petitioner submitted a representation to the second respondent dated 10.09.2018 and 04.10.2018 to the respondents requesting to look into the allegations and irregularities committed by the society. The representations have been addressed to both the first and third respondents. Since no action was forthcoming from the respondents, the petitioner is before this Court seeking issuance of Writ of Mandamus.

6. Notice was ordered and when the matter is taken up for hearing, Mr.M.Murugan, learned Government Advocate entered appearance for the respondents.

7. When the matter is taken up for hearing today, the learned Counsel appearing for the petitioner would submit that a direction may be issued to the first and third respondent to pass orders on the representations of the petitioner within a time to be stipulated by this Court.

8. The learned Government Advocate appearing for the respondents cannot have any valid objection for giving a direction as prayed for by the petitioner.

9. The learned Counsel appearing for the petitioner would submit that under Section 36 of the Tamilnadu Societies Registration Act, 1979, the respondents have power to inquire into the affairs of the registered society and therefore, it is incumbent upon the



authorities to look into the allegations made against the functioning of the Thevar Educational Society as alleged by the petitioner.

10. In view of the above submissions, without expressing any opinion on the detailed allegations which are found in the affidavit filed in support of the writ petition, the Writ Petition is disposed of with the following directions:

"the respondents are directed to consider the representations of the petitioner dated 10.09.2018 and 04.10.2018 and pass detailed order within a period of four weeks from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,  
Tirunelveli District, Tirunelveli.

2.The Revenue Divisional Officer,  
Tirunelveli, Tirunelveli District.

3.The District Registrar(Societies),  
Tenkasi, Tirunelveli District.

• 1 CC TO Mr.V.KARTHIKEYAN , ADVOCATE IN SR No. 93281.  
+1 cc to Special Government Pleader, SR.No.93402.

SSL

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