



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2018

C O R A M

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THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD) No. 9414 of 2013

and

M.P. (MD) Nos. 1, 2 and 3 of 2013

Sri Sundararaja Perumal Devasthanam,
Represented by its Managing Trustee,
Sri.K.K.Babuji son of Sri K.E.Krishnamoorthi,
Sri Sundararaja Perumal Devasthanam Temple,
Paramakudi.

... Petitioner

Vs.

1. The District Registrar (Societies),
Sivagangai District, Tiruppathur Road,
Sivagangai.
2. Sourashtra Kalvi Kuzhu,
(S.No.1 of 1871)
represented by its Secretary,
D.S.Rajaram, Son of Dasu Seetharama Iyer,
No.12/15, Puliyamara Street,
Paramakudi, Ramanathapuram District.
3. (Gnani) G.N.Rajasekaran
Election Officer, Sourashtra Kalvi Kuzhu.

4. N.K.Parthasarathi

... Respondents

(R4 is impleaded vide Court order dated 09.11.2016 in
W.M.P. (MD) No. 13560 of 2016)

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the file registering the Special Resolution dated 14.03.2013 amending registered bye-laws of the Sourashtra Kalvi Kuzhu, Paramakudi (S.No.1 of 1971) in the E.G.M. of the Kalvi Kuzhu, Paramakudi dated 14.03.2013 taken to file and registering the same illegally in Serial No.1 of 2013 of Sourashtra Kalvi Kuzhu, Paramakudi by the 1st respondent immediately on 22.03.2013 without verifying the correctness or otherwise of Form VII; quash the proceedings that affect the petitioner and other members of the 2nd respondent Society.



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For Petitioner : Mr.R.A.Mohanram
For R1 : Mr.Aayiram K.Selvakumar
Additional Government Pleader
For R2 : Mr.Niranjan S.Kumar for Mr.V.Balaji
For R4 : Mr.K.Vallinayagam,
Senior counsel for Mr.D.Nallathambi

O R D E R

According to the petitioner the second respondent society has passed a resolution amending bye-laws of the society in the Extraordinary General Body Meeting dated, 14.03.2013. According to the petitioner out of 1205 members attended in the general body meeting 456 members has given dissenting view to proceed with the resolution, but it is stated that the resolution was approved by 1057 members. Apart from that the voters list also not in consonance with the registered members as per form VI available with the first respondent. In the said circumstances, the first respondent shall directed not to take the resolution amending bye-laws of the society on file.

2.The learned senior counsel appearing for the second respondent has submitted that the General Body Meeting was conducted in a proper manner after following all the procedures strictly and in fact the special resolution has been passed only pursuant to the direction issued by the first respondent. The above resolution amending bye-laws was placed before the first respondent and the same was accepted by him and the first respondent also issued a certificate under Section 12(4) of the Registration of Societies Act. In the above circumstances, the prayer sought for in this writ petition cannot be granted at this stage.

3. I have considered the rival submissions submitted by the learned counsel for the parties.

4.The special resolution dated 14.03.2013, which is impugned in this Writ Petition amending bye-laws of the second respondent society has already been accepted by the Registrar and a certificate also issued. In the above circumstances, now the prayer sought for by the petitioner cannot be granted at this stage. Hence, the writ petition is liable to be dismissed.

5.Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/



To

The District Registrar (Societies),
Sivagangai District,
Tiruppathur Road,
Sivagangai.

+1cc to Mr.V.Balaji, Advocate Sr.No.47186
+1cc to Spl.Government Pleader Sr.No.47457

TA

TE/SKN/RSK/SAR1/28.03.2018/3P/4C

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