

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. Nos.34013 of 2012
and
3577 of 2013

S.K.Rajamurthy ... Petitioner in
W.P. No.34013 of 2012

M/s.Sowrashtra Vibra Sabha
represented by its President,
N.B.Raja. Petitioner in
W.P. No.3577 of 2013

Vs

1. The District Registrar (Societies),
Namakkal District,
Namakkal. 1st respondent
in W.P. No.34013 of 2012
and
sole respondent
in W.P. No.3577 of 2013

2. Sourashtra Vibra Sabha
Rep. by its President.

* Impleaded as per Order dated 06.02.2014 in
in MP No.1 of 2013.

.... 2nd Respondent in
W.P. No.34013 of 2012

Prayer in W.P. No. 34013 of 2012

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the representation dated 26.11.2012 of the petitioner.

Prayer in W.P. No. 3577 of 2013

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records comprised in Na.Ka.No.8198/E/2012, dated 11.12.2012 on the file of the respondent and quash the same and consequently direct the respondent to receive the annual returns and Form - 6 and Form -7 of the petitioner Society for the year 2011-12.

For petitioner
in W.P. No.34013 of 2012 : Mr.S.Gunaseelan

For petitioner
in W.P. No.3577 of 2013 : Mr.R.Karthikeyan

For respondents
in both W.P.s :Mr.P.P.Purushothaman,
Govt. Advocate (Registration)
for R1 in W.P.
No.34013 of 2012
and

sole respondent in W.P.
No.3577 of 2013
Mr.R. Karthikeyan
for R2 in W.P.
No.34013 of 2012

COMMON ORDER

It is the case of the petitioner that certain irregularities were committed by the elected members of the 2nd Society Sowrashtra Vibra Sabha. Admittedly, even before filing of these writ petitions, a suit was filed by the writ petitioner in W.P. No.34013 of 2012 and the said suit came to be decreed in favour of the writ petitioner in W.P. No.34013 of 2013 by the Additional District Munsif Court, Namakkal. Aggrieved by the same, the Sourashtra Vibra Sabha filed an appeal before the Principal Sub Court, Namakkal in A.S. No.1 of 2016.

2. By judgment and decree dated 25.09.2019, the judgment and decree passed in O.S. No.692 of 2007 was reversed by the Lower Appellate Court and the appeal filed by the Sowrashtra Vibra Sabha came to be allowed. All the issues raised in both these writ petitions were admittedly raised in the suit O.S. No.692 of 2007 as well as in the appeal A.S. No.01 of 2016.

3. The learned counsel appearing for Sowrashtra Vibra Sabha and the writ petitioner in W.P. No.34013 of 2012 do not dispute the above mentioned facts.

4. In view of the same, the respective petitioner's in both these writ petitions will have work out their respective remedies in accordance with law.

5. Accordingly, this Court grants liberty to the respective petitioner's in both these writ petitions to work out their respective remedies in accordance with law. The writ petitioner

in W.P. No.3577 of 2013 is also granted liberty to prefer a Second Appeal, if aggrieved by the judgment and decree passed by the Sub Court, Namakkal in A.S. No.1 of 2016.

6. With the aforesaid directions, both these writ petitions are disposed of. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsi2

To

1. The District Registrar (Societies),
Namakkal District,
Namakkal.

2. The President,
M/s.Sourashtra Vibra Sabha
No.11, Thoopan Kumarasamy Street,
Namakkal District - 637 001.

+1 CC to Mr.R.Karthikeyan, Advocate sr 105641.
+3 CCS to Mr.S.Gunaseelan, Advocate sr 105614
+1 CC to Govt. Pleader sr 106230, 106231.

W.P. Nos.34013 of 2012
and
3577 of 2013

SR(CO)
SP(29/01/2020)

सत्यमेव जयते

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