

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.9607 of 2019

T.Vellaisamy Nadar,
Vice President cum Member,
Melmanthai Sri Pethanatchi
Periyandavar Swamy Kumbidum
Nadar Sangam,
1037, Mission Mettu Theru,
Thanjavur - 613 001. Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome Road, Chennai.

2.The Melmanthai Sri Pethanatchi
Periyandavar Swamy Kumbidum
Nadar Sangam,
Rep. by its President, No.351, Periyakadai Veedi,
Virudhunagar - 626 001.

3.S.K.Mohan,
Treasurer,
Melmanthai Sri Pethanatchi
Periyandavar Swamy Kumbidum
Nadar Sangam,
655, 8th Cross Street, Malligai Kudiyiruppu,
K.K.Nagar, Madurai - 625 020.

(R2 and R3 are impleaded vide order dated 21.06.2019 made
in W.M.P.No.13215/19 in W.P.No.9607/19 by PDAJJ)

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the
Constitution of India to issue a writ of Mandamus, praying to
direct the respondent to take appropriate action based on the
representation of the petitioner dated 08.01.2019 and
08.02.2019 under Section 35 and 36 of the Tamil Nadu Societies
Registration Act, 1975.

For Petitioner :Mr.R.T.Shyamala

For Respondents :Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.P.Suresh for R2 and R3

ORDER

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.R.T.Shyamala, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for R1 and Mr.P.Suresh, learned counsel appearing for R2 and R3.

3. The case of the petitioner is that the Periyandavar Swamy Kumbidum Nadar Sangam, is a registered society and functioning since 1964. The petitioner is the Vice President of the said Sangam. The Sangam owns properties and the accounts are administered by the Treasurer of the Sangam. A complaint has been given to the Inspector General of Registration to take appropriate action. Alleging that the Hundial collection of the temple managed by this society is around Rs.15,00,000/- per year and the Treasurer has failed to maintain proper accounts for the past 12 years and the society not been conducted properly. It is stated that though the annual income of the Sangam in the year 2016 to 2017 was around Rs.2,78,71,605/-, in the Auditor report, it is mentioned only as Rs.43,07,596/-, and around two Crores has been misappropriated. After giving the complaint to the Inspector General of Registration on 08.01.2019 and 08.02.2019, the present petition is filed.

4. This Court, at the time of admission, pointed out that the allegations are only against the President and Treasurer but they are arrayed as party. Thereafter, the petitioner herein has taken out the application in W.M.P.No.13125 of 2019, to implead the present President and the Treasurer of the society, who are present before this Court and the counter has also been filed on their behalf. The office bearers of the Sangam submits that they are properly conducting the affairs of the society and there is no misappropriation. The petitioner is not the Vice President of the society but only an Executive Committee Member. Further, the respondents 2 and 3 plead that under Section 36 of the Tamil Nadu Societies and Registration Act, 1975, it is the District Registrar, who is supposed to conduct any enquiry on the representation given by not less than 1/3rd of the members of the society. Whereas the petitioner as an individual, given the complaint to the Inspector General of Registration, who is not a competent person to exercise power under Section 36 of the Tamil Nadu Societies and Registration Act, 1975.

5. The learned Additional Government Pleader appearing for the first respondent submits that on receipt of the complaint from the petitioner herein, the matter has been referred to the District Registrar, who has initiated enquiry proceedings and same is pending. The said fact is endorsed by

the counsel appearing for the respondents 2 and 3 as well as learned counsel appearing for the petitioner. The respondents 2 and 3 has given his explanation on 01.07.2019 to the District Registrar pursuant to the enquiry initiated on the complaint given by the petitioner.

6. In the light of the above fact, nothing more survives in the present writ petition. Hence, this Writ Petition is disposed of with a direction to the District Registrar, to complete the enquiry within a period of four months from today.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
No.100, Santhome Road, Chennai.

2.The Melmanthai Sri Pethanatchi
Periyandavar Swamy Kumbidum
Nadar Sangam,
Rep. by its President, No.351, Periyakadai Veedi,
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Nadar Sangam,
655, 8th Cross Street, Malligai Kudiyiruppu,
K.K.Nagar, Madurai - 625 020.

+1cc to M/s.RT.Shyamala, Advocate, S.R.No.86712
+1cc to Mr.P.Suresh, Advocate, S.R.No. 86990
+1cc to the Government Pleader, S.R.No. 87724

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LN(CO)
GN(20/11/2019)