

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2410 of 2018
and
W.M.P. No. 2924 of 2018

D. Manoharan

...

Petitioner

Vs.

1.The Registrar of Societies,
(Inspector of Societies),
Santhome High Road,
Chennai.

2.Sri Akanda Paripurana Satchidananda Sabha,
A Registered Society under the Societies
Registration Act, Rep. By its President/Secretary,
Rajakilpakkam, Chennai.

3.C.Rangarajan
4.R.Venkatesan
5.A.Mariappan
6.A.Palani
7.P.Kasinathan

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action under Section 36 of the Tamil Nadu Societies Registration Act, 1975 to prevent the disqualified members 3 to 7 herein from holding or functioning as the Administrative member of the 2nd Respondent Society and take steps to see that the Society is Administred in a manner it would carryout objects of public duty effectively.

For Petitioner : Mr.A.Rajendra Kumar

For Respondents: Mr.T.M.Pappiah, for R1
Special Government Pleader (HR&CE)
Mr. Krishna Ravindran, for R2

Mr. A.C. Kumaragurubaran, for R3 to R7

O R D E R

This Writ Petition has been filed for a direction to the First Respondent, viz., Registrar of Societies to take appropriate action under Section 36 of the Tamil Nadu Societies Registration Act, 1975, to prevent the disqualified members, viz., the Third to Seventh Respondents, from holding or functioning as the Administrative member of the Society of the Second Respondent and take steps to see that the Society is administered in a manner it would carry out objects of public duty effectively.

2. This Court during the earlier hearing on 01.07.2019 had required the First Respondent to file a report on the action taken on the representation dated 27.03.2017 made by the Petitioner in the matter, but the same has not been filed.

3. However, it is informed by the Learned Counsel appearing for the Second Respondent that the Executive Committee of the Second Respondent during its meeting held on 05.09.2019 has removed the Third to Seventh Respondents. An affidavit dated 12.09.2019 has been filed on behalf of the Second Respondent, which reads as follows:

"4. I submit that I would like to bring certain recent development in the Society to the knowledge of this Hon'ble Court. The Respondent Nos. 3 to 7, though they are not members of the Society, in connivance with few other Executive Committee members have been engaged in certain detrimental activities that would affect the welfare of the Society. In the Executive Committee meeting held on 05.09.2019, out of 26 Executive Members, majority members i.e. 14 Executive members have unanimously resolved that the present erring Executive Committee members have to be changed and the following new Executive Committee members were inducted and the same was done in accordance with the bye laws of the Society. Copy of the Resolution dated 05.09.2019 is filed herewith.

- | | |
|--------------------|------------------------|
| a. President | - K.Kuppusamy Chettiar |
| b. Vice President | - K. Sundaramurthy |
| c. Secretary | - R. Sachithanandan |
| d. Joint Secretary | - S. Somasundaram |
| e. Treasurer | - T.Sivarasu |
| f. Member | - G.Sachithanandan |
| g. Member | - G. Chandrasekaran |
| h. Member | - G. Sivarasu |
| i. Member | - R.Natarajan" |

In view of the aforesaid action taken by the Second Respondent against the Third to Seventh Respondents, nothing remains for

further consideration in the Writ Petition.

4. Recording the aforesaid subsequent event, the Writ Petition is disposed. It is needless to add here that if any of the parties are still aggrieved, it is open to them to pursue appropriate remedy for the same impleading necessary parties before the proper forum, in the manner recognized by law. It is also hastened to make it clear that this Court has not expressed any view on the correctness or otherwise of the decision taken by the Second Respondent in this regard. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (Insp cell)

//True Copy//

Sub Assistant Registrar

may
To

- 1.The Registrar of Societies,
(Inspector of Societies),
Santhome High Road,
Chennai.
- 2.Sri Akanda Paripurana Satchidananda Sabha,
A Registered Society under the Societies
Registration Act, Rep. By its President/Secretary,
Rajakilpakkam, Chennai.

+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.78590
+1cc to Mr.A.C. Kumaragurubaran, Advocate, S.R.No.78555
+1cc to Mr.G.Vijay Anand, Advocate, S.R.No.78701

SR(CO)
CB(24/09/2019)

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