

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 12006 of 2014

and

M.P. 1 of 2014

Dr.A.P.Mohamed Ali, I.P.S. (Retd.) ... Petitioner

Versus

1. The Registrar of Societies cum
District Registrar of Assurances,
Central Chennai,
182, Bharathi Salai,
Royapettah, Chennai-600 014.

2. The Muslim Educational Association
of Southern India,
rep. by its Honorary Secretary,
'Association Gardens',
87, Peters Road,
Royapettah, Chennai-14. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 30.09.2013 before approving any amendments in the 2nd respondent society and consequently restraining the 2nd respondent society from taking any action in pursuance of the unapproved amendments including the removal of the petitioner from the membership of the 2nd respondent association.

For Petitioner : Mr.M.Sriram

For Respondents : Mr.P.P.Purushothaman,
Govt. Advocate for R1

Mr.Saffarullah Khan for R2

O R D E R

This Writ Petition has been filed seeking direction to the 1st respondent to consider the petitioner's representation dated 30.09.2013 for approving the amendment of bye-law submitted by the 2nd respondent society.

2. According to the petitioner, the 2nd respondent society wants to amend the existing bye-law, and also filed the draft amendment before the 1st respondent, Registrar of Societies. Since the petitioner has some grievance over the amendment, he has raised his objection by way of representation dated 30.09.2013, and the petitioner wants to consider his objections while considering the petition filed by the 2nd respondent seeking for amendment of bye-law.

3. Mr.P.P.Purushothaman, learned Government Advocate appearing for 1st respondent, on instructions, submitted that the amendment application is still pending with the 1st respondent Registrar of Societies, and so far, no order has been passed on the same.

4. Mr.Zafarullah Khan, learned counsel appearing for the 2nd respondent submitted that, the bye-law sought to be amended after the approval of general body, and the petitioner being a member of the 2nd respondent society, he cannot have any grievance over the amendment.

5. I have heard and considered the rival submissions made by learned counsel appearing for petitioner as well as learned counsel appearing for respondents and perused the records carefully.

6. Considering the limited prayer sought by the petitioner in the Writ Petition, without going into merit of the case, this Court is of the view that it suffice to direct the 1st respondent to consider the amendment filed by the 2nd respondent society. At the time of considering the amendment, the 2nd respondent directed to consider the objections made by the petitioner, and pass suitable orders in accordance with law. As the amendment application is pending for more than six years, the 1st respondent is directed to consider the same, and pass suitable orders within a period of twelve weeks from the date of receipt of the copy of this order after giving reasonable opportunity to the petitioner as well as the 2nd respondent.

7. So far as the next relief in the Writ Petition regarding suspension of petitioner from the 2nd respondent society is concerned, that issue cannot be decided in this Writ Petition. If at all, the petitioner has any grievance over the same, it is open to him to challenge the same in the manner known to law.

8. In the result, the Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petition in M.P. 1 of 2014 is closed.

Sd/-
Assistant Registrar(CS)

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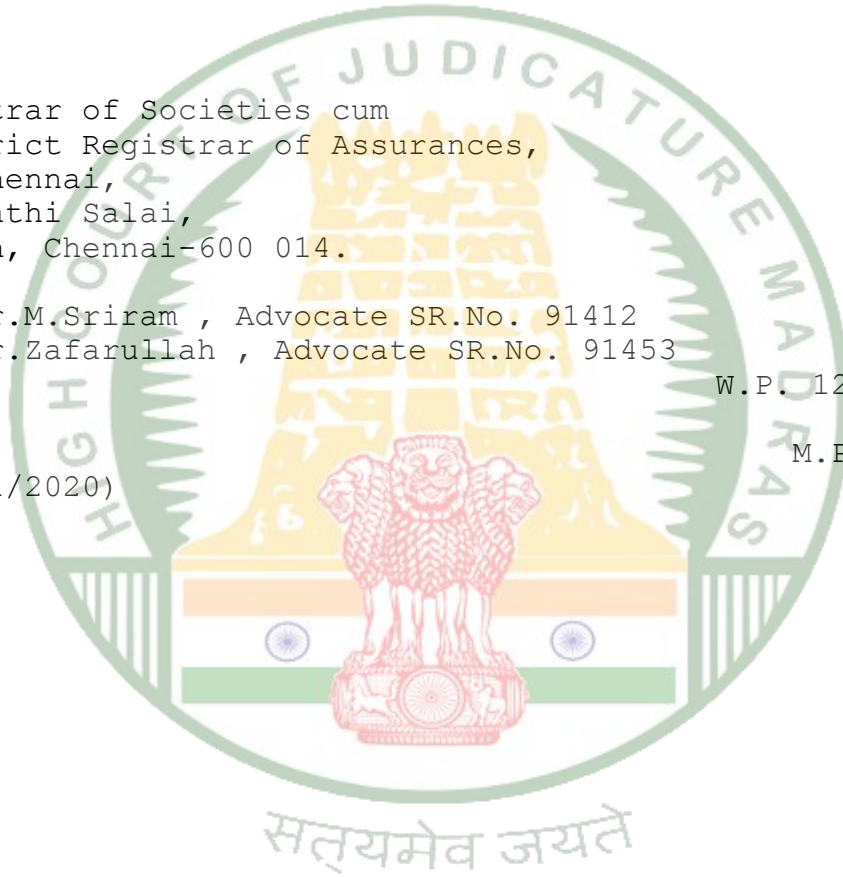
Sub Assistant Registrar

rpp
To
The Registrar of Societies cum
District Registrar of Assurances,
Central Chennai,
182, Bharathi Salai,
Royapettah, Chennai-600 014.

+1cc to Mr.M.Sriram , Advocate SR.No. 91412
+1cc to Mr.Zafarullah , Advocate SR.No. 91453

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and
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A.SK(23/01/2020)



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