

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.27990, 27991 and 27996 of 2019
and W.M.P.Nos.27596, 27597, 27598, 27599, 27600 & 27602 of 2019

N.R.Janakiraman ... Petitioner in W.P.No.27990/2019

M.K.Ponnusamy ... Petitioner in W.P.No.27991/2019

V.R.K.Palaniandi ... Petitioner in W.P.No.27996/2019

/versus/

1.The Inspector General of Registration,
Santhome,
Kamarajar Salai,
Chennai.

2.The District Registrar,
(Administration),
and Registrar of Societies,
Namakkal District.
Namakkal.

3.Thiru P.K.Venkatesan
President,
Kongunattu Vellalar Sangam
(Registration No.59/90)
Paramathy Road,
Namakkal,
Namakkal District-637 001.

.. Respondents in all W.Ps

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorari, call for the records relating to the impugned Letter dated 22.08.2019 issued by the 3rd respondent herein and quash the same as illegal.

For Petitioner all WPs : Mr.T.Chandrasekaran

For Respondents in all WPs: Mr.T.M.Pappiah

Spl.Govt.Pleader for R1 & R2

COMMON ORDER

By consent, these main writ petitions are taken up for final disposal at the admission stage itself.

2. The petitioners herein are claiming themselves as a member of the Kongunattu Vellalar Sangam. They have filed these writ petitions seeking writ of Certiorari to call for the records relating to the letter dated 22.08.2019 issued by the third respondent, who is the President of the said society. The impugned letter indicates that the election for the office bearers for the said Sangam scheduled to be held on 22.09.2019 at 11 a.m.

3. According to the petitioners the said society is not administered properly by the erstwhile office bearers and therefore representation was given to the respondents 1 and 2 to take action against them for mal administration. So far, they have not taken any action and in fact when information was sought from the second respondent regarding the activity of the Sangam under the Right to Information Act, the District Registration Department has categorically informed the petitioners that the Sangam has submitted its Annual Report only upto 2008-2009 and thereafter, the Sangam has failed to submit its Annual Report. This proves the failure of statutory obligation on the part of the office bearers of the Sangam.

4. According to the learned counsel for the petitioners, the third respondent has issued the impugned letter for conducting the election without following the procedure and provisions under the Societies Registration Act. Hence, the General Body Meeting convened by him has to be stayed and impugned letter has to be quashed.

5. The prayer of the Certiorari against the letter issued by a private individual who is neither a State nor an instrumental of the State fails to stand the test of judicial scrutiny. When the Sangam itself deemed to be a defunct society in view of non submitting the Annual Report for the past 9 years. In such circumstances, interference of the activities of the defunct society by issuing a certiorari against the private individual will only amount to recognising its legal existence by the Court.

6. The petitioners have to seek appropriate remedy if they are of the opinion that the defunct society in which they are members is functioning without adhering the Rules and Regulations of the Act under which it was registered.

7. As a result, the writ petitions are dismissed with liberty as mentioned above. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Inspector General of Registration,
Santhome,
Kamarajar Salai,
Chennai.

2.The District Registrar,
(Administration),
and Registrar of Societies,
Namakkal District.
Namakkal.

+1cc to Mr.T.Chandrasekaran Advocate, S.R.No.81052

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

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and W.M.P.Nos.27596, 27597, 27598, 27599, 27600 & 27602 of 2019

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