

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2019

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.13115 of 2014

M.R.Vasudevan

.. Petitioner

..vs..

1. The Inspector General of Registration,
Santhome,
Chennai-28.
 2. The District Registrar,
Salem (East),
Salem District-636 001.
 3. Sourashtra Valibar Sangam,Rep.by Secretary,
(Reg. No.45/08),
185, Ammapettaiah Main Road,
Salem-636 001.
- .. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry about the functioning of the 3rd respondent Sangam in pursuant to the petitioner's representation dated 04.12.2013, 23.01.2014 and 28.03.2014.

For Petitioner : Mr.K.A.Ravindran
For Respondents : Mr.P.P.Purushothaman,
1 and 2 Government Advocate
For 3rd respondent : Mr.R.Narayanasamy

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry about the functioning of the 3rd respondent Sangam in pursuant to the petitioner's representations dated 04.12.2013, 23.01.2014 and 28.03.2014.

2. Learned Counsel for the petitioner submitted that the 3rd respondent Sangam is not functioning as per

the provisions of the Tamil Nadu Societies Registration Act, 1975 and the office bearers of the said Sangam are liable for misappropriation of funds. Therefore, for all these allegations, the petitioner has given representations to conduct enquiry about the functioning of the 3rd respondent Sangam. But the said representations have not been considered. Hence, the present Writ Petition has been filed.

3. A counter affidavit has been filed by the 2nd respondent.

4. Learned Government Advocate appearing for the respondents 1 and 2 submitted that the 3rd respondent Society is functioning against the provisions of Tamil Nadu Societies Registration Act, 1975 and Tamil Nadu Societies Registration Rules, 1978. Further, it will not be proper to conduct the election for the Board of Director, when the 3rd respondent Society failed to submit the yearly reports as required under Section 16(b) of the Act and not conducting the election for Board of Directors as per Section 15(3) of the Act.

5. Per contra, learned Counsel for the 3rd respondent submitted that the 3rd respondent Society is functioning as per the provisions of Tamil Nadu Societies Registration Act, 1975 and no misappropriation has been committed by any of the office bearers of the Society.

6. Considering the facts and circumstances of the matter and further recording the statement of the learned Government Advocate appearing for the respondents 1 and 2 stated above, the 2nd respondent is directed to consider the representations of the petitioner dated 04.12.2013, 23.01.2014 and 28.03.2014 and pass orders on merits and in accordance with law, after giving an opportunity of hearing to the 3rd respondent, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tsi

To

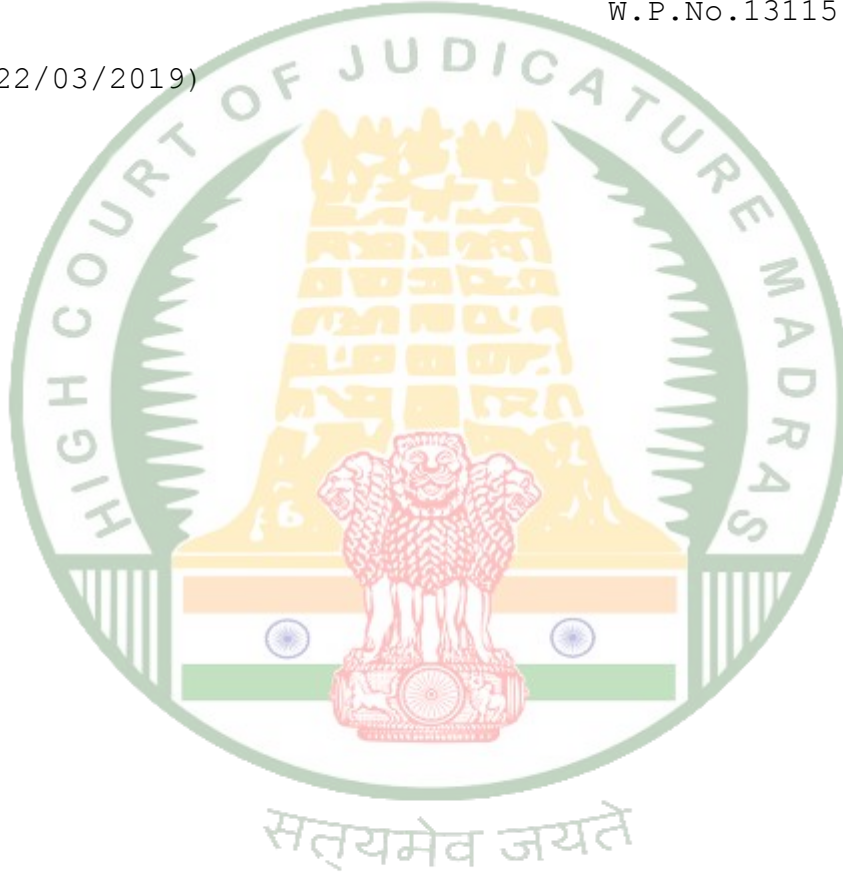
1.The Inspector General of Registration,
Santhome,
Chennai-28.

2. The District Registrar,
Salem (East),
Salem District-636 001.

+lcc to Mr.K.A.Ravindran , Advocate SR.No. 19249
+1 CC TO GOVERNMENT PLEADER SR.NO. 19365

W.P.No.13115 of 2014

A.SK(22/03/2019)



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