



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
AND

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.8282 of 2019

and

W.M.P. (MD) Nos.6497 and 6498 of 2019

M.K.Baskaran : Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar of Societies,
Sivagangai,
Sivagangai District.

3.Yadavar Sangam,
Rep. by its Court Appointed Administrator,
Yadavar Thirumana Maligai Complex,
S.P.M. Colony,
Paramakudi - 623 707.
Ramanathapuram District.

: Respondents

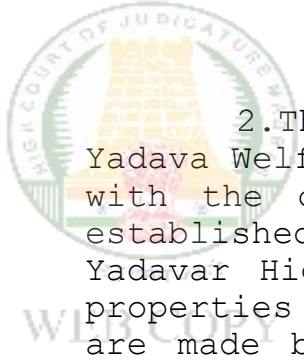
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to direct the respondents not to allow any member of the registered society to use the society fund for an unnecessary litigations through judicial process for conducting election dispute and other related expenses based on the petitioner's representation dated 31.12.2018.

For Petitioner : Mr.E.K.John Victor Ellis
For Respondents : Mr.M.Murugan
1 and 2 Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents not to allow any member of the registered society to use the society fund for unnecessary litigations through judicial process for conducting election dispute and other related expenses based on the petitioner's representation dated 31.12.2018.



2.The petitioner is a member of the society known as Gokula Yadava Welfare Mandram in Paramakudi. It is stated that the society with the contribution generated from the members of the society established a marriage hall and subsequently a school in the name of Yadavar High School. It is also stated that the society has got properties worth about Rs.15 Crores. While so, several allegations are made by the petitioner as against the people who are in the office. It is in the said circumstances, a litigation also has come to this Court with regard to conduct of the election to the third respondent society. By an interim order, this Court appointed an Administrator for the conduct of the election and the matter is pending in Writ Appeal in W.A.(MD)No.763 of 2017. The petitioner aggrieved by the fact that a sizeable amount is spent unnecessarily for the pending litigations, has filed the present Writ Petition.

3.First of all, no Writ Petition is maintainable as against the third respondent which is only a society. Merely because the third respondent is a society registered under the statute, namely, Tamil Nadu Societies Registration Act, it is not performing any governmental functions for being amenable to the jurisdiction of this Court under Article 226 of the Constitution of India. Having regard to the nature of grievance expressed by the petitioner, it may be open to the petitioner to file a suit under Section 92 of the Civil Procedure Code or for rendition of accounts with regard to the matters not only related to the administration of the society but also regarding the management of the school and marriage hall established by the society as the case may be. We find no reason to entertain this Writ Petition and this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Registrar of Societies,
Sivagangai,
Sivagangai District.

+1cc to Mr.E.K.JOHN VICTOR ELLIS, Advocate, SR.No.59455
+1cc to M/s.Special Government Pleader,SR.No. 59559

W.P. (MD)No.8282 of 2019

SRM

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