



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD) No.17814 of 2019

and

W.M.P. (MD) No.14278 of 2019

Duraikannu

... Petitioner

Vs.

1.The Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai.

2.The District Collector,
Collectorate,
Pudukkottai District.

3.The Executive Engineer,
Public Works Department (South Vellaru),
Pudukkottai District.

4.The Registrar of Societies,
No.1, Joint Sub Registrar,
Karaikudi,
Sivagangai District.

5.The Tahsildar,
Avudaiyar Kovil,
Pudukkottai District.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to register the petitioner's Association of Sri Muthusamban Mooriyur Kanmai Maramathu Paramamarippu Sangam in Mooriyur Kanmai in Thunjanoor Revenue Village of Avadaiyar Kovil Taluk, Pudukkottai District.

For Petitioner : Mr.K.Balasundharam

For Respondents : Mr.V.Anand, G.A.

ORDER

The prayer in the Writ petition is for a Writ of Mandamus, directing the 4th respondent to register the petitioner's Association of Sri Muthusamban Mooriyur Kanmai Maramathu Paramamarippu Sangam at Mooriyur Kanmai in Thunjanoor Revenue



Village of Avadaiyar Kovil Taluk, Pudukkottai District.

2. Heard Mr.K.Balasundharam, learned counsel for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

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3. The petitioner has made necessary application to the 4th respondent to register a society in the name of Sri Muthusamban Mooriyur Kanmai Maramathu Paramamarippu Sangam at Mooriyur Kanmai, Avadaiyar Kovil Taluk, Pudukkottai District for the purpose of undertaking Kudimaramathu work (de-silting of Tank) as envisaged by the Government through the government order under which, number of government tanks are being taken up for Kudimaramathu work on the participatory basis of the people or Ayacutdhars of the concerned village or Tank.

4. Though such an application had been made by the petitioner on 27.07.2019 with all relevant documents, the same has not been accepted and it has been returned by orally returning the papers to the petitioner without making endorsement by the 4th respondent and thereby, the 4th respondent refused to register the Sangam and therefore, the petitioner is before this Court with the aforesaid prayer.

5. The learned counsel appearing for the petitioner would submit that, the petitioner made the said application with all relevant documents and therefore, without any reason, the same has been returned by the 4th respondent and hence, a direction may be issued to the 4th respondent to accept the application and register the same if it is in order.

6. Heard the learned Government Advocate appearing for the respondents, who would submit that there is no proof to show that the application having been submitted to the 4th respondent was returned orally. Be that as it may, the learned Government Advocate would further submit that, once the application is presented / represented by the petitioner with all relevant documents with necessary fee, after having scrutinize the same, if it is in order, certainly, the 4th respondent would register the same.

7. Having regard to the said submission made by the learned counsel appearing for both sides, with consent of both sides, this Writ petition is disposed of at the admission stage by issuing following directions:

That the petitioner is hereby directed to represent the application dated 27.07.2019 to the 4th respondent for registering the Sangam (Society) and on receipt of such application by way of re-submission by the petitioner, the 4th respondent shall process the same immediately, and if it is otherwise in order with all relevant documents and necessary fee, the same shall be registered



forthwith and the registration certificate to that effect be given to the petitioner.

8.The aforesaid exercise shall be conducted by the respondents within a period of one week from the date of receipt / re-submission of the said application from the petitioner. Hence, the petitioner can immediately resubmit the same.

9.With these directions this Writ petition is disposed of. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

nbj

To

- 1.The Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
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Avudaiyar Kovil,
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+1CC TO MR.K.BAALASUNDHARAM, Advocate Sr. No. 81598

W.P. (MD) No.17814 of 2019
14.08.2019

GRC (CO)

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