



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.2795 of 2020

S.Peter Raj

... Petitioner

Vs.

1.The District Registrar of Society,
Rajagampeeram,
Y.Othakadai,
Madurai - 625 107.

2.The District Registrar (Administrative),
Madurai North,
Madurai.

3.Maria Gracz Rural Educational Society,
Rep. By its President namely M.Xaviar,
4, Thiruvalluvar Street,
K.K.Nagar,
Madurai - 625 020.

4.Maria Gracz Rural Educational Society,
Rep. By its Secretary and Treasurer
namely A.Antony Raj,
4, Thiruvalluvar Street,
K.K.Nagar,
Madurai - 625 020.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the third and fourth respondents to furnish the copies of the document sought by the petitioner based on the petitioner's representations dated 28.08.2019 and 09.09.2019 and in the light of the second respondent proceeding in Na.Ka.No.3992/E1/2019 dated 16.09.2019.

For Petitioner : Mr.T.P.Thiraviam

For RR 1 & 2 : Mr.V.Anand,
Government Advocate.

**ORDER**

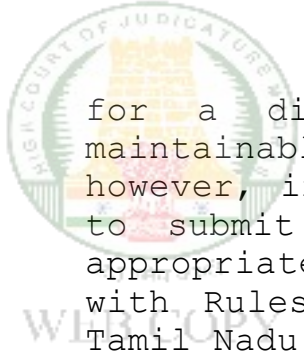
The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the third and fourth respondents to furnish the copies of the document sought by the petitioner based on the petitioner's representations dated 28.08.2019 and 09.09.2019 and in the light of the second respondent proceeding in Na.Ka.No.3992/E1/2019 dated 16.09.2019.

2.Mr.V.Anand, learned Government Advocate takes notice for the respondents 1 and 2.

3.According to the petitioner, he is one of the members of the Society namely 'Maria Gracz Rural Middle School', which is a registered Society and he is managing the entire School till date. In the meantime, the third and fourth respondents misappropriated the funds of the Society, but the third and fourth respondents published a notice dated 15.06.2017 stating that the petitioner had lost the original sale deed documents situated at Venketrayapuram, Sadaiyaneri Village, Nanguneri Taluk, Tirunelveli District. The petitioner further stated that the above said documents were submitted by the third respondent in O.S.No.155 of 2003 on the file of the District Munsif Court, Nagercoil, but till date those documents have not been received. In order to grab the properties, the third respondent deliberately published false notice against the petitioner. Hence, the petitioner, as a member of the Society, sent a representation dated 28.08.2019 to the respondents 3 and 4 to furnish the certain copies of the documents related to the Society and the petitioner has also sent a representation to the first and second respondents on 09.09.2019. Based on the said representation, the second respondent directed the third and fourth respondents to furnish the copies of the documents vide proceedings dated 16.09.2019. Since no action has been taken on the side of the respondents 3 and 4, the petitioner has filed the present Writ Petition.

4.Mr.V.Anand, the learned Government Advocate appearing for the respondents 1 and 2 submitted that the second respondent / the District Registrar (Administrative) had already communicated the same to the respondents 3 and 4 to furnish the copy of the documents vide proceedings dated 16.09.2019. If the copy of the documents have not been furnished to the petitioner, he can submit a representation to the second respondent to take appropriate action against the respondents 3 and 4 in accordance with the Rules for furnishing the copy of the documents under the Tamil Nadu Societies Registration Act, 1975 and the same will be considered by the second respondent.

5.In view of the submissions made by the learned Government Advocate, this Court is of the view that the Writ Petition seeking



for a direction against the respondents 3 and 4 is not maintainable, since the Society is a registered Society, but, however, in the interest of justice, it is open to the petitioner to submit a representation to the second respondent to take appropriate action against the respondents 3 and 4 in accordance with Rules for furnishing the copy of the documents under the Tamil Nadu Societies Registration Act, 1975.

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

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

1. The District Registrar of Society,
Rajagampeeram,
Y.Othakadai,
Madurai - 625 107.

2. The District Registrar (Administrative),
Madurai North,
Madurai.

Order made in
W.P. (MD) No.2795 of 2020

Dated:
13.07.2020

SPU(10.07.2020) 3P 3C