



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5193 of 2020

L.Jeyabalan

... Petitioner

Vs.

1.The Inspector General of Registration,
Chennai 600 028.

2.The District Collector,
Dindigul District,
Dindigul.

3.The District Registrar (Societies)
Dindigul District, Dindigul.

4.Pattiveeranpatti Hindu Nadargal Uravinmurai
Paribalana Sangam,
rep., by its Secretary,
T.N.S.M.Sangaralingam,

5.W.S.M.K.Rajaram

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent to take appropriate action against the present office bearers of the fourth respondent sangam in pursuant to his proceedings in Na.Ka.No.4328/m3/2019 dated 16.10.2019, 24.10.2019, 28.11.2019 and pass suitable orders and consequently direct the third respondent to nominate an officer as observer for the Annual General Body Meeting to be held on 24.03.2020 for the fourth respondent Sangam, for the purpose of deciding the date of election for the period 2020-2023 by considering the petitioner's representation dated 01.10.2018, 24.09.2019, 21.01.2020 and 02.03.2020 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader (for R1 to R3)
Mr.N.Dilip Kumar (for R4 & R5)



ORDER

By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The fourth respondent/Pattiveeranpatti Hindu Nadargal Uravinmurai Paribalana Sangam, Pattiveeranpatti is the subject and object of the present writ petition. The petitioner herein had been co-opted as a member in the audit committee. He has taken full advantage of such position. He has questioned the activities of the fourth respondent Sangam and had called upon the third respondent District Registrar Societies, to enquire into, what he has categorised as, "allegation". The fifth respondent is the President of the said sangam.

3.The petitioner has filed the writ petition in the nature of Mandamus seeking two different prayers. In the first prayer he seeks an action against the office bearers. In the second prayer, he seeks appointment of the Observer for the Annual General Body meeting to be conducted on 24.03.2020.

4.It has been clarified by the learned counsel for the respondents 4 and 5 that the meeting said to take place on 24.03.2020 is not going to take place and has been cancelled. It is also pointed out that the General Body Meeting will be conducted in the month of September every year. Therefore, the issue of Observer being appointed and the issue of any meeting being held on 24.03.2020 does not arise for consideration.

5.Insofar as the first part of the relief sought for by the petitioner with respect to taking action against the office bearers pursuant to notice issued by the third respondent/District Registrar (Societies) on 16.10.2019, 24.10.2019 and 28.11.2019 is concerned, the learned Additional Government Pleader who had taken notice on behalf of the respondents 1,2 and 3 stated that in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975, the third respondent would take necessary action. Naturally, this would also mean that the third respondent has an obligation to evaluate the nature of the complaint and whether the provisions of the Act have been satisfied, particularly, Section 36, to which, attention has been drawn by Mr.N.Dilipkumar, learned counsel for the respondents 4 and 5. The Registrar may follow due process as set out in the said provisions.

6.As a matter of fact, no mandamus is required to direct a public authority to do his duty. This Court is confident that the third respondent would uphold the dignity of his office. This Court is also confident that within a short period of time necessary orders would be passed.



7. With the above observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

To

1. The Inspector General of Registration,
Chennai 600 028.

2. The District Collector,
Dindigul District, Dindigul.

3. The District Registrar (Societies)
Dindigul District, Dindigul.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-11270[F] dated 12/03/2020)

+1 CC to M/s.N.SATHISH BABU, Advocate(SR-11280[F] dated
12/03/2020)

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SS/15.05.2020/3P-4C