



WEB COPY

W.P.(MD)No.5280 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.5280 of 2020
and W.M.P. (MD) No.4595 of 2020

Hindu Nadarkal Uravinmurai Sangam
Reg.no.54/1956 Kulathur
Vilathikulam Taluk
Thoothukudi District
Represented by its President
R.P.Murugesan Nadar

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100 Santhome High Road,
Mandaiveli
Chennai-28.

2.The District Registrar,
Thoothukudi District,
Thoothukudi.

3.Seenirajan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.343 / A3 / 2019 dt.25/01/2019 and quash the same as illegal and consequent direction may be issued to the 2nd respondent to take the petitioner Form -VII on file and keep in record.

For Petitioner
For Respondents

: Mr.T.A.Ebenezer
: Mr.M.Murugan
Government Advocate



ORDER

WEB COPY The writ petition filed in the nature of Certiorarified Mandamus seeking to interfere with the order of the second respondent District Registrar, Tuticorin District in proceedings in Na.Ka.No.343/ A3 / 2019 dated 25/01/2019 and set aside the same and issue a further direction to receive the Form VII submitted by the petitioner.

2.The petitioner Hindu Nadarkal Uravinmurai Sangam with registration No.54/1956 at Kulathur, Vilathikulam in Tuticorin District is represented in this writ petition by its President Mr.R.P.Murugesan Nadar. The grievance of the writ petitioner is focussed against the second and third respondents. The third respondent appears to have submitted Form VII before the second respondent. It is alleged by the petitioner that the said Form had been submitted by forging the signatures of several of the members. These are issues, which cannot be decided by the Deputy Registrar and the civil Court is the competent authority, since pleadings are required, when allegations of fraud is raised and it has to be substantiated by evidence. However, the learned counsel for the petitioner stated that it is wholly unjustified on the part of the second respondent in not receiving Form VII.

3. Heard the learned Government Advocate appearing on behalf of the first and second respondents.

4. I am not going deeply into the facts, since the facts will have to be established, particularly, when there are allegations of forgery. However, a perusal of the impugned order shows that the second respondent had only expressed his inability to receive Forms VI and VII once again, particularly, when the said Forms have already been submitted by the third respondent. A mandamus is however issued to the second respondent to receive Form VII submitted by the petitioner and thereafter issue notice to both the petitioner/representative of the petitioner and to the third respondent, hold an enquiry and if the second respondent comes to the conclusion that there is some



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substance in the allegations made by the petitioner, refer the parties to agitate the issue before the competent civil Court.

5. The Writ Petition is disposed of with the aforesaid observation and direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D.II)

//True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
No.100 Santhome High Road,
Mandaiveli, Chennai.

2.The District Registrar,
Thoothukudi District,
Thoothukudi.

+1cc to Mr.T.A.Ebenezer, Advocate Sr.No.11502
+1cc to The Special Government Pleader Sr.No.11788

AKM/08.05.2020 /3P-5C/

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