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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD) No.5428 of 2020

1.S.Peter Raj ... Petitioner

/vs./

1.The District Registrar of Societies,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai-625 107.

2.The District Registrar (Administration),
Madurai (North),
Integrated Complex of Registration Department,
TNAU Nagar, Rajakampeeram,
Y.Othkadai, Madurai-625 107.

3.Maria Grace Rural Educational Society,
Represented by its President namely M.Xavier,
4, Thiruvalluvar Street,
K.K.Nagar, Madurai-625 020.

4.Maria Grace Rural Educational Society,
Represented by its Secretary namely A.Antony Raj,
4, Thiruvalluvar Street,
K.K.Nagar, Madurai-625 020.

5.The Sub Inspector of Police,
Police station,
Vijayanarayanam and Post,
Nanguneri Taluk,
Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 02.03.2020 passed by the fourth respondent and quash the same as illegal and

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consequently direct the respondents to allow the petitioner as a Member of the Society.

For Petitioner : Mr.P.Balamurugan
for Mr.J.David Ganesan

For R-1, R-2 and R-5 : Mr.V.Anand
Government Advocate

ORDER

1. The petitioner is a member of the fourth respondent Society viz., Maria Grace Rural Educational Society,

2. Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1, 2 and 5. Order is passed in the main Writ Petition itself before issuing notice to the respondents 3 and 4.

3.The petitioner is aggrieved by the order passed by the fourth respondent dated 02.03.2020, by which, the petitioner was removed from the fourth respondent Society.

4. The learned counsel appearing for the petitioner claimed that the Writ Petition is maintainable, since the fourth respondent is registered under Section 10 of the Tamil Nadu Societies Registration Act, 1975 and therefore, there is a duty cast on the first and second respondents to ensure that any order / administrative order passed by the fourth respondent is inconformity with the provisions of the Tamil Nadu Societies Registration Act, 1975. Even otherwise there is a duty cast on the first and second respondents to ensure that any order is passed following the principles of natural justice after issuing notice, the petitioner claims that he had not been issued with any notice.

5. The learned Government Advocate points out a letter given by the fifth respondent viz., The Sub Inspector of Police, Police station, Vijayanarayanam and Post, Nanguneri Taluk, Tirunelveli District, wherein, the petitioner had stated that with respect to the dispute, he would approach to the appropriate Court.

6. The petitioner relies on various documents. To term those documents as evidences, they would have to be subjected to the tests of admissibility, proof, genuineness and relevancy. These are issues, which can be tested only during the course of trial. However, it is the grievance of the learned counsel appearing for the petitioner that the impugned order had been passed without notice and therefore, he seeks an alternative

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relief for a direction to the second respondent to enquire into the order and examine, whether the same had been followed in accordance with law.

7. Therefore, a direction is given to the second respondent to examine the order dated 02.03.2020, by the fourth respondent and further examine, whether it had been passed exercising jurisdiction in manner known to law. In this connection, the petitioner may give a representation to the second respondent enclosing the impugned order dated 02.03.2020 and seek examination of the same by the second respondent.

8. With the above observations, the Writ Petition stands disposed of.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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+1 CC to M/s.SPL.GP (SR-12025[F] dated 17/03/2020)

+1 CC to M/s.DAVID GANESAN, Advocate (SR-11987[F] dated 17/03/2020)

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