



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.06.2021

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THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.22705 of 2016

Kaliyavaradan

... Petitioner

-Vs-

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.

2.The District Registrar,
Villupuram.

3.The Mundiyanbakkam Sugarcane
Factory Regional Sugar Farmers
Association,
rep. by its President,
No.58/1A, GST Road,
Villupuram-605 602.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st and 2nd respondents to conduct an enquiry into the affairs of the 3rd respondent association and thereby direct the respondents 1 and 2 to exercise the powers under Section 34 of the Tamil Nadu Societies Registration Act for the purpose of directing the 3rd respondent society to conduct elections for the same within the time frame and as per the directions of this Hon'ble Court.

For Petitioners	:	Mr.N.Suresh
For Respondents	:	Mr.Richardson Wilson
		Counsel for Govt. for R1 and R2
		Mr.R.Arun Dattan, for R3
		for Mr.C.Munusamy

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st and 2nd respondents to conduct an enquiry into the affairs of the 3rd respondent association and thereby direct the respondents 1 and 2 to exercise the powers under Section 34 of the Tamil Nadu Societies Registration Act for the purpose of directing the 3rd respondent society to conduct elections for the same within the time frame.



2. That the third respondent is a registered society consisting of sugarcane growers as its members. The petitioner is one of the members of the third respondent society. His grievance is that, long years there has been no election conducted in the third respondent Society and according to him, there has been large scale violation in conducting the affairs of the Society including utility of the funds of the Society and therefore, in this regard, in order to enquire into the matter and to take action in accordance with law especially in accordance with the Societies Registration Act, the petitioner has given a representation on 07.05.2016 to the first respondent with a copy marked to the second respondent. However, the said representation since has not been considered, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

3. Reiterating the aforesaid facts, Mr.N.Suresh, learned counsel appearing for the petitioner seeks the indulgence of this Court to give suitable direction to the official respondents to decide the representation of the petitioner on merits and in accordance with law within a time frame that may be stipulated by this Court.

4. Heard Mr.R.Arun Dattan, learned counsel for the third respondent Society, who would submit that, the third respondent Society has been conducting its business in accordance with law. However, if at all the petitioner being one of the members of the Society has got any grievance and in this regard if he has given any representation to the official respondents, before deciding the same, due opportunity of being heard shall be given to the office bearers of the third respondent Society and after hearing the views of the office bearers of the third respondent Society, a decision can be made by the official respondents.

5. Mr.Richardson Wilson, learned Government Advocate appearing for the official respondents submits that, the representation dated 07.05.2016 would be considered in accordance with law and in accordance with the provisions of the Societies Registration Act, and after giving an opportunity of being heard to both the petitioner as well as the office bearers of the third respondent Society, the said representation would be decided and disposed of within a time frame that may be stipulated by this Court.

6. Having considered the said submissions made by the learned counsel for the parties and by taking into account the innocuous nature of the prayer, this Court is inclined to dispose of this writ petition with the following order.

7. That there shall be a direction to the second respondent / District Registrar to consider the representation of the petitioner dated 07.05.2016 and pass orders thereon, on



merits and in accordance with law, of course after hearing the petitioner as well as the office bearers of the third respondent Society, within a period of twelve weeks from the date of receipt of a copy of this order.

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8. Since the representation is of the year 2016, the petitioner is directed to send a copy of the representation along with a copy of this order to the second respondent within one week from the date of receipt of a copy of this order, and on receipt of the same, needful as indicated above shall be undertaken by the second respondent.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST
To

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.

2.The District Registrar,
Villupuram.

+1cc to Mr.N.Suresh, Advocate SR.No. 28229
+1 cc to Government Pleader Sr.No. 28143

W.P.No.22705 of 2016

PMK(CO)
B.VC(23.07.2021)