



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No. 37243 of 2015

P.H.C.M.Gandhi @ Virudhai Gandhi

...Petitioner

Vs.

1. The District Registrar
Collector Office Compound
Coimbatore District
Coimbatore.
2. The Sub Registrar
Office of the Sub registrar
No.171, Railway Feeder Road
Periyanaicken palayam
Coimbatore 641 020
3. The General Secretary
Kovai Jilla Mill Thozhilalar Sangam
(Affiliated AITUC Regn. No. 84),
No.90, Rangam Street,
Kattoor, Coimbatore - 641 009.
4. The General Secretary
All India Trade Union Congress (AITUC)
No.35 7 36, DDU Mang
New Delhi - 110 002.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the objections forwarded by the petitioner with regard to authority/authorization/representative capacity of the third respondent for sale of property comprised in S.No. 559 Keeranatham Village, Annanur Taluk, Coimbatore District belonging to the third respondent Trade Union in accordance with provisions of law and Union Byelaw and to pass appropriate orders not allowing registration of sale deed after due enquiry / verification in accordance with provisions of registration Act 1908 and the rules made thereunder.

For Petitioner : Mr. G.Sankaran

For RR 1 & 2 : Mr.R.P. Murugan Raja
Government Advocate



For 3rd Respondent : Mr. K. Srinivasamuthry

For 4th Respondent : M/s.S.Arunachalam

O R D E R

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The Writ Petition is filed to directed the respondents 1 and 2 to consider the objections forwarded by the petitioner with regard to authority/authorization/representative capacity of the third respondent for sale of property comprised in S.No. 559 Keeranatham Village, Annanur Taluk, Coimbatore District belonging to the third respondent Trade Union in accordance with provisions of law and Union Byelaw and to pass appropriate orders not allowing registration of sale deed after due enquiry /verification in accordance with provisions of registration Act 1908 and the rules made thereunder.

2. The grievances of the writ petitioner is that the third respondent Thozhilalar Sangam is attempting to sell a valuable property in an illegal manner for personal gain. Certain allegations are raised against the General Secretary of the third respondent Sangam and in this regard, a complaint was sent to the second respondent by the petitioner. In view of that, no action has been taken by the second respondent, the petitioner is constrained to file the present Writ Petition.

3. The learned counsel for the petitioner made a submission that the property worth about Rs.24/- crores are sought to be sold for personal gains by the General Secretary and in such circumstances, the petitioner to protect the interest of the third respondent submitted a complaint.

4.However, it is not in dispute that the writ petitioner is not a member of the third respondent Sangam. The third respondent also as stated so in their counter. A non member cannot interfere with the internal administrative activities of the Sangam and if at all any public interest involved, the petitioner has to initiate appropriate action in the manner known to law.

5.In the present case, the petitioner has submitted a representation before the Sub Registrar, who is not competent to conduct an enquiry in respect of such allegations. Further, it is not placed before this Court whether a decision had been taken by the third respondent Sangam in accordance with Bye-laws or not even in such case, such disputes are to be adjudicated before the competent Court of law and Writ Court cannot interfere with the decisions taken by the General Body of a Sangam or the resolution passed by majority. All such disputes are to be resolved between the parties by approaching the



competent forum and under these circumstances, the petitioner is at liberty to approach the competent authorities in the manner known to law. However, the petitioner being a non member of the third respondent Sangam cannot file a writ petition and moreover the nature of a complaint requires an adjudication, which cannot be undertaken by this Court in the present writ proceedings.

6.Hence, this Writ Petition need not be entertained and accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsg

To

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+1cc to M/s.Row & Reddy, Advocate, S.R.No.69011
+1cc to M/s.S.Arunachalam, Advocate, S.R.No.69267
+1cc to the Government Pleader, S.R.No.69533

W.P.No. 37243 of 2015

SRA(CO)
RGA(19/01/2022)