



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18640 of 2021

Sri Thulasidhasar Memorial Society
Rep by its President R. Jayachandran
E113, Vegetable Market
Koyambedu
Chennai - 600 107

.. Petitioner

Versus

1. The Registrar of Societies
District Registrar (Admin)
Chennai North
Chennai - 600 108

2. V.R. Soundrarajan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to forbear the second respondent from conducting the Annual General Body of the Sri Thulasidhasar Memorial Society on 02.09.2021 at D. No. 193/89, Thirumangai Alwar Street, Sriperumbudur and to take further action as per the representation of the petitioner dated 26.07.2021 as per Section 36 of the Tamilnadu Societies Registration Act, 1975

For Petitioner : Mr. M. Raja Sekhar

For Respondents : Mr. Stalin Abhimanyu
Government Counsel (R1)

O R D E R

Mr. Stalin Abhimanyu, learned Government counsel, takes notice for the first respondent. By consent of both the parties, this writ petition is taken up for final disposal at the



time of admission itself.

2. The present writ petition has been filed seeking a mandamus, directing the first respondent to forbear the second respondent from conducting the Annual General Body of Sri Thulasidhasar Memorial Society on 02.09.2021 at D. No.193/89, Thirumangai Alwar Street, Sriperumbudur and to take further action as per the representation of the petitioner dated 26.07.2021 under Section 36 of the Tamil Nadu Societies Registration Act, 1975.

3. According to the petitioner Society, in the general body meeting held on 20.12.2019, the second respondent who was holding the post of President of the petitioner Society, agreed to produce the title deeds of the properties belonging to the petitioner, which are in his custody, within a period of 10 days. However, he failed to produce the same, which compelled the petitioner society to remove him from the post of President in the general body meeting held on 24.02.2020 and the same was also communicated to the first respondent on 11.03.2020 vide Form 7 along with the list of office bearers. Subsequently, in the Extraordinary general body meeting held on 30.06.2021, the second respondent was removed from the primary membership. Following the same, on 26.07.2021, a complaint was given to the first respondent requesting to take appropriate action against the second respondent, alleging that he is acting as President of the petitioner Society. In the mean while, on 02.08.2021, the second respondent sent a communication to the President of the petitioner Society that he is going to conduct the annual general body of Sri Thulasidhasar Memorial Society on 02.09.2021 at D.No.193/89, Thirumangai Alwar Street, Sriperumbudur. Feeling aggrieved, the petitioner has come up with this writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the second respondent was removed from the post of President of the petitioner society, on 24.02.2020 and the same was also communicated to the first respondent on 11.03.2020. However, the second respondent is acting as if the president of the petitioner society and also running a fraudulent society in the name of the petitioner. Hence, the learned counsel prayed that appropriate direction may be issued to the first respondent to take action against the second respondent under the provisions of the Tamil



Nadu Societies Registration Act, by considering the petitioner's complaint dated 26.07.2021.

5. On the other hand, the learned Government counsel appearing for the first respondent fairly submitted that the first respondent would consider the petitioner's complaint and pass orders, on merits, within a time frame to be stipulated by this court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court directs the first respondent to consider the petitioner's complaint dated 26.07.2021 and pass appropriate orders, on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

dhk

To

The Registrar of Societies
District Registrar (Admin)
Chennai North
Chennai - 600 108

+1cc to M/s.M.Raja Sekhar, Advocate, S.R.No.45166

W.P. No. 18640 of 2021

RR(CO)
SB(18/10/2021)