



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.19247 of 2021

T.Vellaisamy Nadar.
Vice President Cum Member,
Melmanthai Sri Pethanatchi
Periyandavar Swamy Kumbidum
Nadar Sangam,
1037, Mission Mettu Theru,
Thanjavur - 613 001.

...Petitioner

Versus

1. The Inspector General of Registration,
No.100, Santhome Road, Chennai-4.
2. The President,
Melmanthai Sri Pethanatchi Periyandavar Swamy,
Kumbidum Nadars Sangam (Reg.No.20/1964),
351, Periya Kadai Street,
Virudungar.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner before the 1st respondent on 06.01.2020 against the order dated 08.07.2019 in No.1128/E1/2019, within the time frame fixed by this Court.

For Petitioner : Mrs.R.T.Shyamala

For R1 : Mr. K.M.D.Muhilan,
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner before the 1st respondent to dispose of the appeal filed by the petitioner before the 1st respondent on 06.01.2020 against the order dated 08.07.2019 vide proceedings in No.1128/E1/2019, passed by the District Registrar (Admin), Virudhunagar District, within the time frame fixed by this Court.



2. The case of the petitioner is that he is the Vice President of Melmanthai Sri Pethanatchi Periyandavar Swamy Kumbidum Nadar Sangam, which is having its temple and office at No.351, Periyakadai Street, Virudhunagar-626 001. The said society was started in the year 1964 and it is a registered under the Tamil Nadu Societies Registration Act, 1975, bearing Reg.No.20/1964 and having 3600 members. The petitioner and their society members all are have a family temple is Kula Theivam temple and they used to place all their first invitation in their family temple for worship. The temple own buildings for the devotees to reside there and worship the deity, there are tourists who crossed the temple on their way to south. While so, many north Indian tourists also visited the temple every year and there is a big parking lot for the buses and cars to park and take rest. Each woman in the family members has given a Hundial every year and on the year end they have to contribute the collections to the temple. That Hundial collection itself used to be Rs.15,00,000/- per year and the temple festival has been performed by the elected body and the entire collections and income of the temple was looked after by the Treasurer namely S.K.Mohan who maintained all the accounts and holding the post of Treasurer for the past 12 years, no election has been conducted till date. The petitioner is the Vice President, he could not assess the accounts kept by the Treasurer. Every year, audited accounts used to be placed in the General Body Meeting and thereafter, the same will be submitted to the District Registrar, Virudhunagar. For the year 2016-2017, the annual income of Rs.2,78,71,605.68 (Rupees Two Crores Seventy Eight Lakhs Seventy One Thousand Six Hundred and Five and Sixty Eight Paise Only) of the General Body Meeting. Where as, while submitting the auditor's report, it was mentioned as Rs.43,07,596/-(Rupees Forty Three Lakhs Seven Thousand Five Hundred and Ninety Six only) and the rest of the amount was swindled by the Treasurer, where nearly Rs.2,30,00,000/- (Rupees Two Crores Thirty Lakhs Only) was misappropriated. When the same was questioned, there was no suitable answer from the Treasurer. Therefore, the entire funds of the Society was mismanaged and misappropriated by some of the office bearers. Hence, the petitioner lodged a police complaint before the Superintendent of Police, Virudhunagar. Since the proper accounts to be maintained and proper audited accounts should be submitted to the Registrar, the petitioner made a complaint to the 1st respondent on 08.01.2018 and thereafter, another complaint on 08.02.2018. On receipt of the aforesaid complaints, the respondents have not any steps on the said complaint. Thereafter, he has filed a W.P.No.9607 of 2019 before this Court for a writ of mandamus and the same was ordered on 17.10.2019, directed the District Registrar, Virudhunagar to pass appropriate orders on the petitioner's representation within



four weeks and the District Registrar (Administration), Virudhunagar, passed the order dated 08.07.2019 in No.119/E1/2019 stating that the petition is not maintainable.

3. Mr.K.M.D.Muhilan, learned Government Advocate submitted that if there is any appeal pending before the Authorities, it will be disposed of within a stipulated time.

4. Heard both side and perused the materials available on record.

5. Having regard to the limited scope of the prayer, this Court is inclined to pass the following order:-

The first respondent is directed to dispose of the appeal dated 06.01.2020 filed by the petitioner as against the proceedings in No.1128/E1/2019 dated 08.07.2019 within a period of sixteen weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of . No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Inspector General of Registration,
No.100, Santhome Road,
Chennai-4.
2. The President,
Melmanthai Sri Pethanatchi Periyandavar Swamy,
Kumbidum Nadars Sangam (Reg.No.20/1964),
351, Periya Kadai Street,
Virudungar.

+1 cc to Mrs.R.T.Shyamala, Advocate Sr.No.46670
+1 cc to the Government Pleader, Sr.No. 46506

W.P.No.19247 of 2021

JP-II[co]
NSK 27/10/2021