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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22983 of 2021

R.Murugakani

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

2. The District Registrar of Societies,
Chennai Central,
Office of the Registrar of Societies,
Chamiers Road,
Chennai - 600 014.

3. M.Rajendran

4. K.G.Murali Krishna

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to initiate appropriate action on the third and fourth respondents for swindling on public money, misappropriation and conducting the affairs of Tamil Nadu Silambattam Association unfair and prejudicial to the interest of its members based on the petitioner's representation dated 27.07.2021.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.Stalin Abhimanyu
Government Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to initiate appropriate action on the third and fourth respondents for swindling on public money, misappropriation and conducting the affairs of Tamil Nadu Silambattam Association unfair and prejudicial to the interest of its members based on the



petitioner's representation dated 27.07.2021.

2.The case of the petitioner is that the petitioner is the District Treasurer and Secretary of Kancheepuram and Thiruvallur District. According to the petitioner, the third respondent was appointed as President of Tamil Nadu Silambattam Association and the fourth respondent was appointed as General Secretary of the Association and the said appointments are not in consonance with the bye-laws of the Association and they are indulging in mal practices and they are swindling the public money. In this regard, the petitioner made representation to the second respondent and since no action was taken, has filed this writ petition.

3.The learned counsel appearing for the petitioner would submit that the power vest with the second respondent for taking action against the respondents 3 and 4 as per Section 36 of the Tamil Nadu Societies Registration Act, wherein, it is held that on suo motu action or application by 1/3 members of the society, the District Registrar of Societies can invoke suo motu power for conducting action against the erred Officials of the society and hence, this Court may issue direction to the second respondent to consider the petitioner's representation and after affording opportunity to the respondents 3 and 4, to pass appropriate orders, within the reasonable time fixed by this Court.

4.This Court also heard the submissions made by the learned Government Counsel appearing for the respondents 1 and 2. Since this Court is not inclined to pass any adverse order as against respondents 3 and 4, notice to respondents 3 and 4 is dispensed with.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs first respondent to consider the petitioner's representation dated 27.07.2021, on merits and in accordance with law and after affording an opportunity of hearing to the respondents 3 and 4 shall pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

2. The District Registrar of Societies,
Chennai Central,
Office of the Registrar of Societies,
Chamiers Road,
Chennai - 600 014.

+1cc to Mr.R.Ragavendran, Advocate, S.R.No.58125

+1cc to the Government Pleader, S.R.No.58507

W.P.No.22983 of 2021

PC(CO)
CT 03/12/2021