



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26721 of 2021

P. Shanmugam Achary

....Petitioner

Vs

1. The Secretary,
The Secretary of Community Society,
Puducherry.
2. The Registrar,
The Registrar of Joint Stock Companies,
Pondicherry.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to renew the Society namely "Pudhuvai Maanila Vishwakarma Maha Jana Sangam" from Defunct Society based on the petitioner's representation dated 03.08.2021.

For petitioner : Mr.R.Venkatesh

ORDER

The present petition has been filed seeking a direction to the respondents to renew the Society namely "Pudhuvai Maanila Vishwakarma Maha Jana Sangam" from Defunct Society based on the petitioner's representation dated 03.08.2021.

2. The case of the petitioner is that the Society namely "Pudhuvai Maanila Vishwakarma Maha jana Sangam" being formed in the year 1975, was registered under Society Registration Act. In 2015, election was held in which, Sollin Selvam, Munuswamy @ Babu & V.Kannan were appointed as the Office bearers of the said society, who were managing the entire affairs of the society during their tenure. Subsequently, in year 2019, Srinivassan, Devaraj including the petitioner herein were elected as the Office bearers of the Society. While being so, in the year 2020, vide RTI reply dated 10.02.2020, the petitioner came to know that the said society has been declared



as "Defunct Society" vide gazette notification dated 11.09.2018, due to the mismanagement of the Ex-Office bearers of the Society. Therefore, the petitioner had made a representation dated 03.08.2021 to the respondents herein to reconsider the said gazette notification and renew the Society, However, till date, no action has been taken on his representation. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents herein to consider the representation dated 03.08.2021 made by the petitioner and pass appropriate orders on the same, within the time frame fixed by this Court.

4. A perusal of the materials available on record reveal that the petitioner society was declared as a "Defunct Society" for non submission of the Audited Financial Statement.

5. Though the learned counsel for the petitioner claims for renewal of the petitioner society, there is a procedure prescribed under the Act, for renewing the "Defunct Society". Without following the procedure available under the Act for renewal of the Society, filing of Writ Petition before this Court is not sustainable. Hence, the prayer sought for by the petitioner cannot be acceded to.

6. Accordingly, this Writ Petition is dismissed with the above observation. No Costs. However, the liberty is granted to the petitioner to file appropriate application before the Competent Authority seeking renewal of the Society. If any such application is filed, the Competent Authority shall consider the same and pass appropriate orders in accordance with law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary,
The Secretary of Community Society,
Puducherry.



2. The Registrar,
The Registrar of Joint Stock Companies,
Pondicherry.

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