



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26513 of 2021

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

... Petitioner

vs.

- 1 The Registrar of Societies
District Registrar (Admin)
Chennai North
Chennai 600 108.
- 2 V.R.Soundararajan
Ex - President of Sri Thulasidhasar Memorial
Society No.16 Raja Rajaswari Nagar
4th Street Kolathur,
Chennai 600 099.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Certiorarified Mandamus, Calling for the records of the 1st respondent in No.9675 / E1 /2021 dated 15/11/2021 and to quash the same and direct the 1st respondent to furnish the copy of the reply dated 10/11/2021 of the 2nd respondent and conduct enquiry on the basis of the petitioners complaint dated 26/07/2021.

For Petitioner : Mr. M.Rajasekhar

For Respondents : Mr. R.Kumaravel for R1
Special Government Pleader



ORDER

The petitioner hdamus, Calling for tas filed this petition seeking issuance of Writ of Certiorarified Manhe records of the 1st respondent in No.9675 / E1 /2021 dated 15/11/2021 and to quash the same and direct the 1st respondent to furnish the copy of the reply dated 10/11/2021 of the 2nd respondent and conduct enquiry on the basis of the petitioners complaint dated 26/07/2021.

2. The case of the petitioner is that the petitioner society was registered under Tamil Nadu Societies Registration Act 1975 in the year 1981. The General Body meeting was convened in the office of the petitioner society on 20.12.2019 and the members of the Society questioned the second respondent, who is holding the post of the President of the petitioner society, about functioning of the society. Further, sought to produce the title deeds of the property belonging to the society, which is under the custody of the second respondent. Upon which, the second respondent has not produced the title deeds within the time limit. To that, the petitioner society made a representation to the first respondent viz., District Registrar on 26.07.2021 for taking appropriate action against the second respondent for the aforeaid act. However, no order was passed heretofore. Hence, the petitioner filed a writ petition before this Court in W.P.No.18640 of 2021. This court, by its order dated 16.09.2021, issued a direction to the first respondent to consider the petitioner's complaint dated 26.07.2021 and pass appropriate orders after affording opportunity to the private respondent within a period of four weeks. In compliance of the order of this Court, the first respondent rejected the the petitioner's complaint and the present impugned order has been passed. Challenging the same, the present writ petition has been filed before this Court seeking the above said prayer.

3. Learned counsel for the petitioner submitted that the petitioner made a complaint to the first respondent for taking appropriate action against the second respondent on 26.07.2021. This court issued a direction to the first respondent to consider the petitioner's complaint. Thereafter, the petitioner made a written arguments before the first respondent on 29.09.2021, in which, the second respondent made a reply on 10.11.2021. However, the reply of the second respondent has not forwarded to the petitioner. Hence, the petitioner was not able to give his proper reply before the first respondent. The representation made by the petitioner is not properly considered



by the first respondent and the impugned order has been passed and the same is clear violation of principle natural justice. Accordingly, the learned counsel prays to allow the writ petition.

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4. The learned Special Government Pleader submits that there was a private dispute between the petitioner and second respondent. Due to which, he made a complaint before the first respondent. The first respondent has to power to remove the President from the Society. However, it has to be ventilated only before the competent civil court. Though the issue involved in the present petition is the disputed question of fact, it cannot be decided before this Court. However, the petitioner may be permitted to raise all the issues only before the competent forum and the present petition is liable to be dismissed.

5. The facts of the present case are not in dispute. Admittedly, the petitioner made a complaint as against the second respondent before this first respondent on 26.07.2021 and the same is as follows:

'1. Sri Thulasidhasar memorial society was registered in the year 1981. Thiru V.R.Soundararajan has been acting President of the said society, which is against law. The present rule position permits him to hold post at the most three terms. Where are the present incumbent is holding the post for the fast 21 years., which is against the law.

2. By-law para No.24 enables a member to inspect the records of the society, where as incumbent refuses to show the records of the society to the members.

3. Without following the legal provision, VR Soundararajan President removed the members of the society. Unilaterally never following the provisions of law.

4 He conducts the affairs of the society as his fiefdom affair bringing his wife and brother in law as members of the society without following legal provision. All the activates of the inactive president are prodigal to the society.

5. Tampering records of the society is his pass-tine the aforesaid misdeeds are not mere allegation. They are all bore on records.'



6. On perusal of the said complaint, except 2 & 5, the other complaints made by the petitioner is usual procedures. The first respondent claims that there is no provision available and he has no power for removal of the President. All the issues raised by the petitioner, which is disputed question of fact, it cannot be decided by this Court and the same has to be decided only by the competent civil forum. Further, the alleged corruption made by the second respondent, has not been established by the petitioner. As rightly pointed out by the learned Special Government Pleader that, if at all, the petitioner is aggrieved against the impugned order, the petitioner has to file appropriate suit only before the competent civil forum.

7. In view of the above discussions, this writ petition is dismissed. No costs. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rli
To

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

+lcc to M/s.M.Raja Sekhar, Advocate Sr.66490
+lcc to the Government Pleader Sr.67044

WP No. 26515 of 2021

ksm[co]
srg 24/01/2022