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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.27041 of 2021

Senthil @ Dhanabalan

... Petitioner

vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Inspector General of Registration,
Santhome, Chennai 600 004.
3. The Registrar of Societies,
Erode.
4. Erode Lorry Owners' Association,
represented by its President,
2/95N, Bhavani Main Road,
Erode.

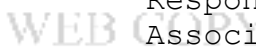
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, forbearing the 3rd Respondent from registering the new amended list of members by omitting the Petitioner's name and Office bearers of the 4th Respondent Association during pendency of the statutory Appeal dated 24.11.2021 with the 4th Respondent.

For Petitioner	:	Mr.C.Prabakaran
For Respondents 1 to 3	:	Mr.R.Kumaravel, Addl. Government Pleader
For 4 th Respondent	:	No appearance

ORDER

Petitioner has come up with the present Writ Petition seeking to forbear the 3rd Respondent from registering the new amended list of members by omitting his name and Office bearers



2. According to the Petitioner, he was a member of the 4th Respondent Association and held the post of Secretary of the Association. While so, the 4th Respondent sent a communication dated 11.02.2021 to the Petitioner to show cause as to why he should not be removed from the post of Secretary and the membership of the Association, for causing damage to its reputation. The Petitioner sent a reply dated 17.02.2021 to the said communication. Without reference to the said reply, the 4th Respondent sent another communication on 02.03.2021, directing the Petitioner to appear before the Disciplinary Committee on 08.03.2021 for giving explanation. As the explanation dated 17.02.2021 submitted by him was not considered and that, the communication dated 02.03.2021 of the 4th Respondent was bald, bereft of any specific information, the Petitioner was constrained to send a legal notice dated 06.03.2021 to the Disciplinary Committee of the 4th Respondent. However, the 4th Respondent passed Resolution No.4, dated 12.03.2021 removing the Petitioner from the post of Secretary of the Association and its membership, as well.

3. It is further stated by the Petitioner that, as against the abovesaid Resolution passed by the Disciplinary Committee, he has a right to prefer an Appeal before the General Body Committee as per Rule 3(aa) of the bye-laws of their Association. However, he can present the Appeal only after the constitution of the General Body Meeting. Hence, he made a representation to the 3rd Respondent on 17.03.2021 requesting them not to entertain the new amended list of members and Office Bearers of the Association till the disposal of the Appeal by the General Body Committee. As the 4th Respondent took steps to amend the list of members of the Society, the Petitioner filed W.P.No.8631 of 2021. However, the said Writ Petition was dismissed as withdrawn on 24.11.2021 with liberty to the Petitioner to file an Appeal before the Appellate Authority. Pursuant to the order of this Court, the Petitioner filed an Appeal before the 4th Respondent on 24.11.2021. Thereafter, the 4th Respondent has sent a letter to the members of the Society on 03.12.2021 to canvass the bad opinion against the Petitioner. Hence, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

4. Learned counsel for the Petitioner submitted that, a direction may be issued to the 4th Respondent herein to consider the Petitioner's Appeal dated 24.11.2021 in accordance with law, within a stipulated time.

5. Heard the learned counsel on either side and perused



the material documents available on record.

6. Considering the facts and circumstances of the case and without going into its merits, this Court directs the 4th Respondent herein to consider the Petitioner's Appeal dated 24.11.2021 in accordance with law and pass appropriate orders, after giving an opportunity of hearing to the Petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.28496 and 28498 of 2021 are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Inspector General of Registration,
Santhome, Chennai 600 004.
3. The Registrar of Societies,
Erode.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.68763
+1cc to the Government Pleader, S.R.No.69043

W.P.No.27041 of 2021

RK(CO)
SB(03/01/2022)