



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

**W.P(MD)No.859 of 2020**

WEB COPY

A.Dhanapal

...Petitioner

Vs

1. The Inspector General of Registration,  
100, Snathome Highways,  
Chennai - 600 028.

2. The District Registrar,  
Karur District.

3. Karur Jubilee Literary Association,  
(Reg.No.8/1890)  
Represented by its Secretary,  
No.8A, Azad Road,  
Karur

4. The State of Tamil Nadu,  
represented by its  
Secretary to Government,  
Commercial Taxes and Registration  
(M1) Department,  
Fort St.George,  
Chennai - 600 009.

(R4 impleaded vide order dated  
19.02.2021 in WMP(MD)No.2055 of 2020

.. Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 18.11.2019 and 18.12.2019 and pass orders on merits and appointing a Special Officer to the 3<sup>rd</sup> respondent Society as per Section 34-A of Tamil Nadu Societies Registration Act, 1975 to manage the affairs, take action against the misappropriation of funds and also conduct election.

For Petitioner

: Mr.H.Arumugam

For respondent

: Mr.K.Sathiya Singh,

Nos.1,2 & 4

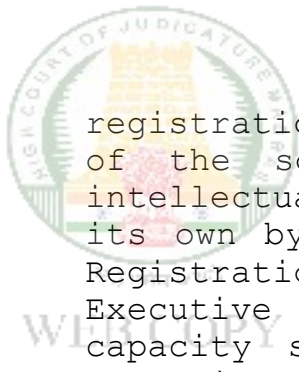
Special Government Pleader

For Respondent No.3

: No appearance

### **ORDER**

The case of the petitioner is that he is a member of the 3<sup>rd</sup> respondent society, namely, Karur Jubilee Literary Association, Karur for the past 29 years. The Association was registered under the Tamil Nadu Societies Registration Act, 21 of 1860 having



registration No.8/1890. According to the petitioner that the object of the society is to promote social, cultural, physical and intellectual activities of its members. The society is governed by its own by-laws as per the provisions of the Tamil Nadu Societies Registration Act. The petitioner has been one of the members of the Executive / Managing Committee and has been functioning in that capacity since 2018. After his induction as the member of the Executive Committee, he claims to have come to know that annual returns have not been submitted and have not been subjected to audit for a considerable time. Due to non submission of the returns, the society had almost become defunct. According to the petitioner that certain officer bearers of the society have misappropriated the funds of the society for meeting their own ends against the interest of the society and its members.

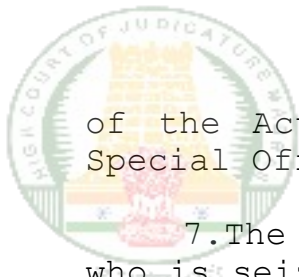
2.In the affidavit filed in support of the writ petition a number of irregularities have been pointed out in managing the affairs of the society by certain officer bearers including the president and secretary. According to the petitioner the last annual return was filed by the 2<sup>nd</sup> respondent on 04.08.2000. Thereafter, no report has been filed as per Section 16(3)(b) and Rule 22 of the Act. The petitioner had questioned various illegalities and irregularities and objected to proceed with the affairs of the society without filing proper Form-VII.

3.In response to the questioning of the writ petitioner, it appears a show cause notice was issued on 31.08.2019 as to why the petitioner should not be removed from the post of Executive Member from 01.09.2019 and subsequently, an order was passed on 11.09.2019 suspending the membership of the petitioner from the society for 90 days.

4.In view of the several allegations and counter allegations snowballing into the dispute touching upon the very functioning of the society, a representation was made to the 1<sup>st</sup> respondent for appointment of a Special Officer on 18.11.2019 in terms of Section 34A of Tamil Nadu Societies Registration Act and no action has been taken by the 2<sup>nd</sup> respondent as on date and therefore, the petitioner is before this Court.

5.Mr.H.Arumugam, learned Counsel appearing for the petitioner would strenuously submit that there has been serious fraud and misappropriation that have taken place in the managing of the affairs of the society by certain office bearers and the persons who were in charge of the Society have not followed the provisions of the Societies Registration Act in terms of the submissions of annual returns and subjecting the accounts to proper audit.

6.According to the learned Counsel that the society has become defunct in view of the non adherence to certain mandatory provisions



of the Act and therefore, the society has to be managed by the Special Officer in order to settle the dispute among the members.

7.The learned Counsel further submitted that the 2<sup>nd</sup> respondent, who is seized of the representation of the petitioner has not passed any order and therefore, he would request this Court at least to issue a direction to the 2<sup>nd</sup> respondent to pass orders on his representation within a time to be stipulated by this Court.

8.In consideration of the factual narrative and also the limited prayer being sought in the writ petition, this Court in the fitness of things is of the view that a direction to be issued to the 2<sup>nd</sup> respondent to take a call in respect of the representation of the petitioner, said to have been made on 18.11.2019 and 19.12.2019 in exercise of the power under the provision of the Societies Registration Act. In dispute of this nature, it is appropriate that the 2<sup>nd</sup> respondent passes appropriate orders and regulate the affairs of the society in face of serious allegations of misappropriation of funds etc., against the office bearers of the society.

9.The 2<sup>nd</sup> respondent is directed to consider the representations of the petitioner dated 18.11.2019 and 19.12.2019 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order in terms of the provisions of the Tamil Nadu Societies Registration Act and in the process the 2<sup>nd</sup> respondent is also at liberty to afford an opportunity of hearing to the petitioner as well as any other members of the society, who are legitimately interested in the process and shall pass final orders thereon.

10.The order to be passed by the 2<sup>nd</sup> respondent shall be communicated forthwith to the petitioner and others concerned. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Inspector General of Registration,  
100, Snathome Highways,  
Chennai - 600 028.

2. The District Registrar,

Kanyakumari District.

<https://hcservices.ecourts.gov.in/hcservices>



3. The Secretary to Government,  
Commercial Taxes and Registration  
(M1) Department,  
Fort St.George,  
Chennai - 600 009.

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+1 CC to M/s.H.ARUMUGAM, Advocate ( SR-7633[F] dated 26/02/2021 )

+1 CC to M/s.SPL GP ( SR-7919[F] dated 01/03/2021 )

W.P (MD) No.859 of 2020  
25.02.2021

ES (CO)  
KB(17.04.2021) 4P 6C