



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.704 of 2021

and

W.M.P.(MD)No.586 of 2021

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Thuthukudi Nadargal Mahamai,
(Reg.No.27/1960),
Rep.through its Secretary,
P.Chandrasekar,
S/o.S.Patchaikani Nadar,
Having Office at
72, Too-vi-puram,
Main Road,
Thoothukudi District.

... Petitioner

Vs

- 1.The Secretary to the Government,
Department of Registration (Societies),
Secretariat, Fort St.George, Chennai-600 009.
- 2.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram, Chennai-600 028.
- 3.The District Registrar (Societies),
New Bus Stand Backside,
Polapettai West, Thoothukudi.
- 4.The Tuticorin Education Society
(Reg.No.15/1966),
Rep. through its Secretary,
488/1, Kamaraj College Building, Thoothukudi.
- 5.P.S.P.K.J.Somu @ Somasundaram
Deputy Secretary (now claiming as Secretary)
Tuticorin Education Society,
Having address at:
26A, North Cotton Road,
Thoothukudi-628001.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to take appropriate steps and by considering the petitioner's representation dated 03.01.2021 and 04.01.2021 and conduct detailed enquiry and pass appropriate order as per Section 34A of the Tamil Nadu Societies Registration Act, 1975 within a time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram
for Mr.D.Nallathambi
For R1 to R3 : Mr.K.Sathiya Singh
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3.

2.The petitioner is one of the five basic Societies which sponsor the members who constitute the general body of the fourth respondent Society. The specific allegation of the petitioner is that the fourth respondent is acting against the bye-laws. In this regard, the petitioner has given a representation to all the official respondents.

3.The learned counsel appearing for the petitioner wants this Court to issue Mandamus to the first respondent to take action in terms of Section 34(A) of the Tamil Nadu Societies Registration Act, 1975.

Section 34(A) of the Tamil Nadu Societies Registration Act, 1975 reads as follows:-

"Section 34(A).Supersession of Committee -(1)(a)If, in the opinion of the Government-

(i) the Committee of any registered Society is not functioning properly or

(ii) the affairs of any registered society are mismanaged, or

(iii) the registered Society's activities are not in furtherance of the objects of the Society, or

(iv) the committee of any registered society has contravened any of the provisions of this Act or the rules made thereunder, or wilfully disobeys or wilfully fails to comply with any lawful order or direction issued under the provisions of this Act or the rules made thereunder, the Government may, after giving the committee an opportunity of making its representations, by order in writing, supersede the committee and appoint a person (hereafter in this Section and

in Section 34B referred to as the special officers) to manage



the affairs of the Society for a specified period not exceeding one year:

Provided that nothing in this clause shall prevent the appointment of the same person as special officer for two or more registered societies.

(b) The period specified in such order may, at the discretion of the Government, be extended from time to time provided that such order shall not remain in force for more than three years in the aggregate.

(2) The Special officer appointed under Sub-Section (1) shall subject to the control of the Registrar and to such directions as he may from time to time, give, have power to exercise all or any of the functions of the committee and to take such action as may be required in the interest of the societies.

(3) The Registrar may fix the remuneration payable to the special officer appointed under sub-section (1). The amount of remuneration so fixed and such other expenditure incidental to the management of the society during the period of supersession as may be approved by the Registrar shall be payable from the funds of the registered society.

(4) The special officer appointed under sub-section (1) shall arrange for the constitution of a new committee in accordance with the provisions of this Act and the rules made thereunder and the bye-laws of the registered society so that the new committee may be constituted and the members thereof come into office at the expiry of the period of appointment of the special officer.

(5) Nothing contained in this section shall be deemed to affect the power of the Registrar to order the winding up of the society under Section 40.

(6) An order under sub-section(1) shall take effect from the date specified therein. "

4.As rightly pointed out by the learned counsel for the petitioner, If the Government forms opinion that the committee of any registered Society is not functioning properly or that the affairs of any registered Society are mismanaged or that its activities are not in furtherance of the objects of the Society or that any provision of the Act have been contravened, then, certainly, the Committee can be superseded and action will be taken. But then, it is entirely for the Government to form opinion on its own and it is not for this Court to ask the Government to take a decision within a time period. Therefore, I am not inclined to issue any direction as sought for. It is entirely for the Government to take a call in the matter. When a complaint of this nature is made, certainly, the authority concerned will not ignore but bestow its attention.



5. With this observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to the Government,
Department of Registration (Societies),
Secretariat, Fort St. George,
Chennai-600 009.

2. The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai-600 028.

3. The District Registrar (Societies),
New Bus Stand Backside,
Polapettai West, Thoothukudi.

+1 CC to M/s.GP (SR-1822[F] dated 22/01/2021)

+1 CC to M/s.D.NALLA THAMBI, Advocate (SR-1579[F] dated
21/01/2021)

W.P. (MD) No. 704 of 2021
20.01.2021

VR (CO)

TR (08.02.2021) 4P 6C