



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.2638 of 2021

and

W.M.P. (MD)No.2187 of 2021

N.A.Subramaniam

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600028.
- 2.The District Collector,
Virudhunagar,
Virudhunagar District.
- 3.The District Registrar,
Virudhunagar,
Virudhunagar District.
- 4.Aruppukkottai, Puliampatti - Thirunagaram Saliar
Mahajana Paripalana Sabai,
Through its President,
Aruppukkottai,
Virudhunagar District.
- 5.Shanmuga Ganapathy
- 6.Somarajan
- 7.Kandan
- 8.S.S.Rajendran
- 9.Pothiraj
- 10.Subas Chandra Bose
- 11.Shanmuganadhan
- 12.Murugan



13.Ramasamy

14.Gopalraj

15.Shanmugaperumal

16.M.Veeramani

17.V.Boomirajan

18.R.Thiayagarajan

19.Archunan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 particularly the 3rd respondent to take action under the Tamilnadu Societies Registration Act, 1975 against the respondents 5 to 19.

For Petitioner : Mr.Murugappan.R

For Respondents : Mr.K.Sathiyasingh,
Additional Govt. Pleader for R1 to R3

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

2.The fourth respondent is a society registered under provisions of Tamilnadu Society Registration Act, 1975. The writ petitioner/N.A.Subramaniam was the former president of the society. The petitioner is aggrieved by the move of the fourth respondent society in convening a special general body meeting on 14.02.2021. The petitioner's counsel points out that one of the agenda of the meeting is to hold enquiry into certain allegations made against the petitioner herein. He would draw my attention to the filing of a suit in O.S.No.132 of 2019 on the file of the Principal District Judge, Srivilliputhur by the society against the petitioner and 16 others. The prayer in the suit and subject matter of the agenda are one and the same. According to the petitioner's counsel, convening a general body meeting to discuss the issue that is pending adjudication in a civil suit amounts to interference with judicial process. Since, the third respondent is the authority competent under the Act to take action, if there is contravention of law, he has chosen to invoke the writ jurisdiction.

3.I am not persuaded by the submissions of the petitioner's counsel. As pointed out by the petitioner's counsel, a civil suit

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has already been filed by the fourth respondent society against the writ petitioner herein. Though the petitioner appears to seek relief only against the official respondents, in substance the subject matter concerns the affairs of the fourth respondent society. The society is not a State within meaning of Article 12 of the Constitution of India. The society only proposes to convene a special general body meeting, which it is competent to do in terms of its by-laws. If any adverse action is taken by the fourth respondent and it contravenes any legal provision, then of course, the petitioner may have a cause of action. At this stage, no cause of action arises for the petitioner to knock the doors of this Court. The petition has been prematurely filed. Leaving open the petitioner's right, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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 Inspector General of Registration,
100, Santhome High Road,
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VB (26.02.2021) 3P 4C

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