



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2021**

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

W.P. (MD) Nos.3157 & 3165 of 2021

and

W.M.P. (MD) Nos.2511 & 2513 of 2021

K.Ramadevi

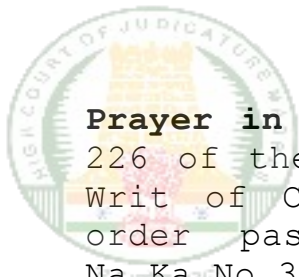
... Petitioner in both W.Ps.,

-vs-

1. The State of Tamilnadu,
represented by its Secretary to Government,
Commercial Tax and Registration Department,
Secretariat,
Chennai.
2. The Inspector General of Registration,
Chennai.
3. The District Registrar,
Tenkasi,
Tenkasi District.
4. The Sub Registrar (Chit & Society),
District Registrar Office,
Tenkasi. ... Respondents in W.P.(MD) No.3157 of 2021

1. State of Tamilnadu,
represented by its Secretary to Government,
Commercial Tax and Registration Department,
Secretariat, Chennai.
2. The Inspector General of Registration,
Chennai.
3. The District Registrar (Administration),
Tenkasi,
Tenkasi District. ... Respondents in W.P.(MD) No.3165 of 2021

Prayer in W.P. (MD) No.3157 of 2021: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the 4th respondent in his proceedings in District Registrar File No.1858/A3/2020 dated 13.01.2021 which was communicated by the 3rd respondent in his proceedings in District Registrar File No.1858/A3/2020 dated 13.01.2021 and quash the same.



Prayer in W.P.(MD) No.3165 of 2021: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.3931/A-3/2020 dated 13.01.2021 and quash the same.

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For Petitioner

in both W.Ps., : Mr.V.Panneer Selvam

For Respondents

in both W.Ps., : Mr.K.Sathiyasingh

Additional Government Pleader

COMMON ORDER

The petitioner claims herself as Secretary of a Society, namely, Thevar Educational Society, Tirunelveli District. The said Society was registered under the Societies Registration Act, 1860. It appears that there has been a rival Society formed, by name, Thevar Educational Society, Melaneelithanallur, Tirunelveli District and there has been a dispute as between the two Societies in regard to its registration and there has also been a dispute as between the two Societies in submitting Form VI and Form VII.

2.In view of the dispute as between the two Societies, there has been a competing claims as to the appointment of teaching and non-teaching staff in respect of the educational institutions run by the Societies and therefore, number of litigations came to be filed before this Court, as narrated in the affidavit filed in support of these writ petitions. Several members of each Society have come up with the writ petitions and approached this Court at every stage. The writ petitions were heard and certain orders were passed at the instance of respective parties. However, an enquiry was conducted in their complaints by the respondent official. On conclusion of enquiry under Section 36 (1) of the Tamilnadu Societies Registration Act, a communication was sent by the District Registrar on 13.01.2021. Aggrieved by the communication report, dated 13.01.2021, the petitioners have filed the present writ petitions.

3.The learned counsel appearing for the petitioner would draw the attention of this Court to various findings of the report stating that those findings may not be countenanced either in law or on facts. According to him, the said enquiry was conducted without following due procedure and therefore, the report by itself is liable to be struck down including the accompanying communication, dated 13.01.2021. The learned counsel insisted that this Court may have to take a call even at this stage, in view of the large scale violation of the procedure by the authority concerned in the conduct of the enquiry.



4.This Court however is not inclined to hear the arguments on those lines made by the learned counsel for the petitioner for the simple reason that if this Court were to exercise its jurisdiction at this stage and intervene in the matter, it would amount to traversing deeper into the factual controversies relating to the findings of the authority, which exercise cannot be undertaken by this Court in a writ jurisdiction. Even otherwise, the report of the 4th respondent is not a final order, which ought to invite the intervention of this Court at this stage. If any final order is passed on the basis of the report of the 4th respondent, then the petitioner has a cause of action for approaching this Court, assuming that even at that time, the writ petition can be maintained.

5.As far as the present challenge is concerned, it is not open to the petitioner to seek intervention of this Court to stop further progress in the matter of management of the Societies. This Court certainly is not inclined to extend its jurisdiction at this stage at the instance of one party, on the basis of his self-serving averments alone, the report of the 4th respondent cannot be set aside. In any case, unless a final order is passed on the report, this Court certainly is not persuaded to entertain these writ petitions at this stage even assuming that in such disputes, the writ petitions are maintainable.

6.For the aforesaid reasons, this Court finds that these writ petitions are too premature and accordingly, the same cannot be entertained by this Court.

7.In view of the same, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Commercial Tax and Registration Department,
Secretariat,
Chennai.



2. The Inspector General of Registration,
Chennai.

3. The District Registrar,
Tenkasi,
Tenkasi District.

4. The Sub Registrar (Chit & Society),
District Registrar Office,
Tenkasi.

5. The District Registrar (Administration),
Tenkasi,
Tenkasi District.

+1 CC to The Special Government Pleader (SR-6472[F] dated
22/02/2021)

+2 CC to Mr.V.PANNEER SELVAM, Advocate (SR-6632[F] dated
23/02/2021)

W.P. (MD) Nos.3157 & 3165 of 2021

19.02.2021

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AE/ (31/03/2021) 4P / 9C