



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.4681 of 2021

S.Thesinguraja

... Petitioner

-vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Registrar,
Thoothukudi,
Thoothukudi District.

3.The District Educational Officer,
Thiruchendur,
Thoothukudi District.

4.S.C.Sekar @ Chandrasekar

5.G.Alagesan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from approving the resolution passed by the 4th and 5th respondents in the meeting conducted by them on 07/03/2020 by considering the petitioner's representation dated 16/03/2020.

For Petitioner : Mr.T.Lenin Kumar

For R1 to R3 : Mr.K.Sathiyasingh

Additional Government Pleader

ORDER

The petitioner claims himself as President of a Sangam, in the name and style of Sri Gnananantha Samarasa Sanmarga Kalvi Sangam, which was established in 1963. The said Sangam is the registered society and its affairs have been regulated by bye-laws of the Society. There appears to be some dispute as to the management of the Sangam and also the appointment of the 4th respondent, who is the Secretary of the school run by the said Sangam. A suit was also filed in O.S.No.128 of 2019 on the file of the District Munsif Court, Thiruchendur to declare the resolution passed by the 4th respondent on 15.02.2017 as null and void and to declare the order of approval passed by the 1st respondent approving the 4th respondent as the Secretary of the school as illegal. The suit is still pending for consideration before the civil Court.



2.While so, according to the petitioner, an illegal General Body Meeting was conducted without allowing the members of the said Sangam to participate and according to him, the persons, who have not participated in the General Body Meeting, have no right to conduct such meeting, as according to him, he is the President of the said Sangam and the conduct of the meeting by strangers is illegal. Any resolution passed by the General Body Meeting, which was conducted illegally, cannot have any legal effect and in the said circumstances, the petitioner is before this Court to forbear the respondents 1 to 3 from approving the resolution passed by the respondents 4 and 5 in the so called General Body Meeting conducted by them on 07.03.2020.

3.From the above factual narrative, it could be seen that it is a private dispute between the petitioner and the private respondents in regard to the affairs of the society and in a matter, like the present one, proper recourse for the petitioner is to approach the competent civil Court and produce credible evidence, sustaining his contention as against the claim of the other private members of the society. The *lis* as projected in this writ petition cannot be a subject matter of adjudication in the writ jurisdiction as the settlement would involve thorough investigation of facts, which investigation cannot be undertaken by this Court in exercising its extraordinary jurisdiction under Article 226 of the Constitution of India. It is needless to mention that in election matters regarding the management of the society, proper course for the parties is to approach the civil Court and the writ jurisdiction of this Court cannot be invoked for settlement of any dispute relating to the affairs of the private society, particularly, in the conduct of any General Body Meeting and allied matters.

4.For the above said reasons, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (W)

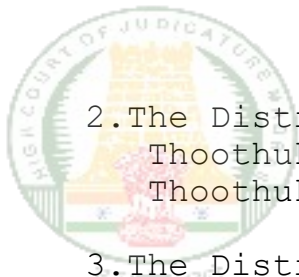
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Sub Assistant Registrar(CS)

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.



2.The District Registrar,
Thoothukudi,
Thoothukudi District.

3.The District Educational Officer,
Thiruchendur,
Thoothukudi District.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-9283[F] dated 05/03/2021)

+1 CC to M/s.SPL GP (SR-9464[F] dated 08/03/2021)

W.P.(MD) No.4681 of 2021
05.03.2021

NA(CO)

KB(07.04.2021) 3P 6C