



WEB COPY

W.P(MD)No.13534 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.13534 of 2021

and

W.M.P (MD)No.10492 of 2021

S.M.Aslam

... Petitioner

Vs.

1.The District Registrar,
Pattukkottai,
Thanjavur District.

2.The President,
Shamsul Islam Sangam,
No.62, Pudhumanai Street,
Athirampattinam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to hold enquiry under Section 36 of the Tamil Nadu Societies Registration Act, 1975 based on the petitioner's representation, dated 02.11.2020.

For Petitioner : M/s.A.Arul Jenifer
For R-1 : Mr.R.Baskaran
Counsel for State.

ORDER

The petitioner seeks an enquiry under Section 36 of the Tamil Nadu Societies Registration Act, 1975, based on his representation dated 02.11.2020.

2. Mr.R.Baskaran, learned counsel for the State, takes notice for the first respondent.

3. The petitioner alleges that the second respondent has deviated from the by-laws of the Sangam especially with regard to the selection of office bearers. Therefore, the petitioner submitted a representation on 02.11.2020 and has filed this writ petition for issuance of a mandamus to the District Registrar to hold an inquiry as requested for by the petitioner.



4. A perusal of Section 36 of the Tamil Nadu Societies Registration Act, 1975, indicates that an inquiry may be held by one of two methods. The first method is pursuant to a request by not less than 1/3rd of the members of the relevant Society and the second method is on *suo motu* basis. In the case at hand, the petitioner, admittedly, does not represent 1/3rd of the total membership of the Sangam. As such, the first respondent is not required to institute an inquiry merely on the basis of the request by the petitioner. However, it is still permissible for the first respondent to initiate such inquiry on *suo motu* basis if he is satisfied that the evidence against the second respondent warrants a *suo motu* inquiry.

5. However, the second respondent would clearly have to be heard before any decision is taken in such regard. Accordingly, it would suffice if the first respondent is directed to consider the petitioner's representation purely from the view point of examining whether it warrants a *suo motu* inquiry.

6. For the reasons set out above, W.P.(MD).No.13534 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation and examine whether it constitutes a valid basis for a *suo motu* inquiry under Section 36 of the Tamil Nadu Societies Registration Act, 1975. Such decision should be taken after providing a reasonable opportunity of hearing to the second respondent herein. On account of the fact that the merits of the matter have not been examined and because the first respondent has been directed to provide a reasonable opportunity to the second respondent before deciding on whether to institute an inquiry, the Writ Petition is disposed of without notice to the private respondent. There will be no order as to costs. Consequently, W.M.P.(MD).No.10492 of 2021 is closed.

Sd/-

Assistant Registrar (T&P)

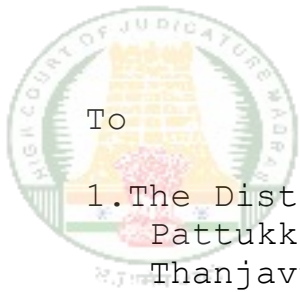
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/ /2021

Sub Assistant Registrar(CS)

Tsg

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 District Registrar,
Pattukkottai,
Thanjavur District.

2.The President,
Shamsul Islam Sangam,
No.62, Pudhumanai Street,
Athirampattinam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-25632[F] dated 09/08/2021)

W.P (MD) No.13534 of 2021
06.08.2021

SB(25.08.2021) 3P 4C