



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.15965 of 2020

K.Subramanian : Petitioner

Vs.

1.The District Registrar,
District Registrar Office, Tenkasi.

2.Ramasamy Pillai Higher Secondary School,
represented by its Secretary,
Ilanji, via Thenkasi, Tenkasi District-627 805.
: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to directing the 1st respondent to initiate enquiry under Section 36 of Tamil Nadu Societies Registration Act against the 2nd respondent on the basis of the representation of the petitioner dated 29.6.2019.

For Petitioner :Mr.B.Rajesh Saravanan

For R1 :Mr.K.Sathiyasingh
Additional Government Pleader

For R2 :Mr.D.Nallathambi

ORDER

Heard the learned Counsel appearing on either side.

2.The writ petitioner is a member of Ilanji Kalvi Sangam. It is a registered Society. The petitioner wants the first respondent to take action under Section 36 of the Tamil Nadu Societies Registration Act, 1975.

3.The petitioner's prayer in the Writ Petition is strongly opposed by the second respondent. The second respondent has also filed counter affidavit. The learned Counsel for the second respondent would submit that the Writ Petition is not maintainable, because, the Society has not made as a party.



4.I find that the said contention has to be formidable and therefore, this Writ Petition is dismissed for not impleading the necessary parties. Even if the Society had been impleaded, still I would hesitate to straightaway issue Mandamus, as sought for. It is not a case, in which, 1/3rd of members of a registered society are before this Court. It is only a solitary member, who has come before this Court. Therefore, it is for the Registrar of Society to take note of the allegations made by the petitioner and take action, if he so deems fit. This Court cannot issue Mandamus as prayed for.

5.Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cmr

To

The District Registrar,
District Registrar Office, Tenkasi.

+1 CC to Additional Government Pleader (SR-1997[F] dated
25/01/2021)

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