



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17811 of 2021

R.Vivekanandan

... Petitioner

Vs.

1.The District Registrar,
(Tamilnadu Societies Registration Act)
No.171, Palace Road,
Madurai Palace,
Madurai-625001.

2.M/s.Sri Kandasamy Vidyalam Elementary and
Higher Secondary School Education Trust,
Represented by its President,
Pappanayakkan Patti Post,
Peraiyur Taluk,
Madurai 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 take action under Section 34 of the Tamil Nadu Societies Registration Act, on the basis of the petitioner's representation dated 10.08.2021.

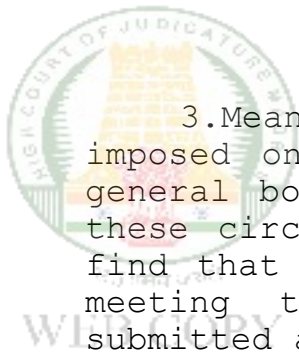
For Petitioner
For R1

: Mr.R.Vijayakumar
: Mr.B.Saravanan
Counsel for State

ORDER

The petitioner seeks a direction to the first respondent to take action under Section 34 of the Tamil Nadu Societies Registration Act, 1975, on the basis of his representation dated 10.08.2021.

2.The petitioner states that he is a member of the second respondent trust and that he had filed O.S.No.213 of 2002 on the file of the Principal Sub Court, Madurai for the framing of a scheme for the better management and administration of the trust. It is stated that the said suit was partially decreed on 31.08.2015 and that an appeal is pending in respect thereof.



3. Meanwhile, the petitioner asserts that a lock down was imposed on account of Covid-19 pandemic and that, therefore, the general body meetings of the second respondent were postponed. In these circumstances, the petitioner states that he was shocked to find that Form VII was filed before the first respondent as if a meeting took place on 15.03.2020. Therefore, the petitioner submitted a representation dated 10.08.2021 to the first respondent. Pursuant thereto, by communication dated 19.08.2021, the first respondent called for an explanation from the second respondent. The present writ petition is filed on the basis that no action was taken thereon.

4. Mr. B. Saravanan, learned counsel for the State, accepts notice for the first respondent.

5. The first respondent is entrusted with a statutory duty under the Tamil Nadu Societies Registration Act, 1975. As such, no positive direction may be issued directing him to perform his duties in a particular manner, whether in response to the petitioner's representation or otherwise. At the same time, the petitioner has made a representation alleging that no meeting took place and that the Form VII should be rejected. Such representation should be considered and disposed of after providing a reasonable opportunity to the petitioner and to the relevant society. To that limited extent, the petitioner is entitled to relief.

6. Accordingly, without going into or entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 10.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the second respondent. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the first respondent has been directed to provide a reasonable opportunity to the second respondent, the writ petition is disposed of without notice to the private respondent.

7. W.P(MD).No.17811 of 2021 is disposed of on these terms without any order as to costs.

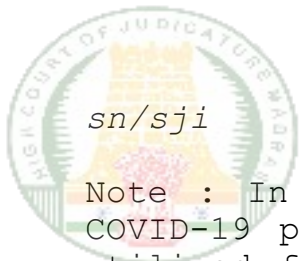
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



sn/sji

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,
(Tamilnadu Societies Registration Act)
No.171, Palace Road,
Madurai Palace,
Madurai-625001.

2.The President,
M/s.Sri Kandasamy Vidyalam Elementary and
Higher Secondary School Education Trust,
Pappanayakkan Patti Post,
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-31061[F]
dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31163[F] dated
05/10/2021)

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-
31326[F] dated 06/10/2021)

W.P(MD) .No.17811 of 2021
04.10.2021

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