



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18179 of 2021

C.Ponraj

... Petitioner

Vs.

1.The District Registrar (Chits and Societies),
Thoothukudi,
Thoothukudi District.

2.Thoothukudi Vadadhisai Hindu Nadar Mahamai
Dharma Karapettai Paripalana Sangam,
(Reg.No.4/1919),
Represented through its Secretary,
No.274, Great Cotton Road,
Thoothukudi Town,
Thoothukudi 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 herein to consider the petitioner's representation dated 27.09.2021 in the light of the provisions contemplated under Sections 26(4), 28 of the Tamil Nadu Societies Registration Act, 1975 and nominate an officer to be present in the extraordinary general body meeting of Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam scheduled on 17.10.2021 at A.S.K.R. Marriage Hall, Tuticorin and pass an appropriate order within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi
For R-1 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to consider his representation dated 27.09.2021 in the light of Sections 26 (4) and 28 of the Tamil Nadu Societies Registration Act, 1975 and nominate an Officer to be present at the extraordinary General Body Meeting of the Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam scheduled on 17.10.2021.



2. The petitioner states that the above mentioned Society was originally registered under the Societies Registration Act, 1860 and is currently governed by the Tamil Nadu Societies Registration Act, 1975. It is stated that the said Society has 774 members who constitute the General Body. It is administered by a Managing or Administrative Committee consisting of 25 members out of whom the office bearers are selected.

3. The petitioner states that there were disputes between different factions. Such disputes resulted in the filing of proceedings in court. Reference is drawn to a judgment dated 08.05.2019 in W.A.(MD).Nos.1603, 1711 and 1712 of 2018. It is also pointed out that the said judgment has been assailed by way of Special Leave Petition which is pending.

4. On account of the alleged failure of the Society to conduct General Body Meetings periodically as required by the Act of 1975, the petitioner and other members of the Society made a request to the Society on 19.03.2020 to convene a General Body Meeting within a period of thirty (30) days from the date of receipt of such notice. In view of the alleged failure of the Society to act on the requisition, it is stated that the requisitionists have scheduled the meeting on 17.10.2021. In connection with such meeting, the petitioner seeks the appointment of an Officer by the first respondent. After carrying a representation in such regard on 27.09.2021, the present Writ Petition is filed.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the petitioner's representation may be directed to be considered by the first respondent after providing a reasonable opportunity to the petitioner and the Society.

6. The petitioner seeks the nomination of an Officer by the first respondent for a meeting convened by requisitionists. If the Society is put on notice, it is possible that such Society may contest or dispute the right of the petitioner and other requisitionists to hold such meeting. Therefore, it is important that the Society be heard before a decision is taken on the petitioner's request for nomination of an Officer to act as an observer at such meeting.

7. Subject to the above observations but without entering any findings on the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 27.09.2021 and issue a reasoned order in that regard after providing a reasonable opportunity to the petitioner and the second respondent. Keeping in mind the fact that the meeting is scheduled on 17.10.2021, the first respondent is directed to take such steps as may be necessary to ensure that the meeting is held on or before the scheduled date of the meeting. In view of the



fact that no findings have been rendered on the merits of the matter, and because the first respondent has been directed to hear the Society before taking a decision, the Writ Petition is disposed of without notice to the second respondent.

8. Accordingly, W.P.(MD).No.18179 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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
The District Registrar (Chits and Societies),
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-31817[F] dated 08/10/2021)

+1 CC to M/s.SPL.GP (SR-31977[F] dated 11/10/2021)

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MGJ(26.10.2021) 3P 4C