



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19447 of 2020

and

W.M.P. (MD)16216 & 16219 of 2020

WEB COPY

T.Udhayakumar

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai.
- 2.The Registrar of Societies,
Madurai (South) District, Madurai-625 001.
- 3.Nadar Mahajana Sangam,
rep. by its General Secretary,
No.2, South Chitthirai Street,
Madurai-625 001.
- 4.Nadar Mahajana Sangam,
S.A.Vellaichamy Nadar Kalluri Peravai,
Rep. by its Secretary,
Nagamalai Pudukkottai,
Madurai 625 019.
- 5.Nadar Mahajana Sangam Kamaraj
Polytechnic Paripalana Sabai
Rep. by its Secretary,
Pazhavilai, Nagercoil, Kanyakumari District.
- 6.Karikol Raj.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the second respondent dated 04.06.2019, vide No.7047/E1/2018 and quash the same and direct the second respondent to appoint a special officer for the administration of the respondents 3 to 5 societies and to conduct election for the year 2021-2024 to the respondents 3 to 5 societies.

For Petitioner

: Ms.J.Anandhavalli

ORDER

Heard the learned counsel appearing for the petitioner.



2.The petitioner is aggrieved by the impugned action of the second respondent in accepting the returns submitted by the third respondent society for the year 2018-19. The petitioner obtained certain information from the official respondents by invoking the provisions of RTI Act. He has come to know that the third respondent society has passed resolutions removing the petitioner from the basic membership. The subject matter of the proceedings pertain to the resolution said to have been passed on 02.09.2018 in the general body meeting of the third respondent society. According to the petitioner's counsel, on the said date, the general body meeting was not properly conducted and no resolution was passed. On the other hand, there was complete pandemonium. Records were fabricated as if resolutions were passed. In fact, Thiru.R.Muthusamy who had presided over the meeting had given a complaint dated 03.09.2018 in this regard. The observers also had submitted reports on the same lines. They are enclosed at Page Numbers 80 and 81 of the typed set of papers. The core argument of the petitioner's counsel is that in such a background the returns submitted in the names of the third respondent society could not have been mechanically accepted.

3.I am not persuaded by the aforesaid contentions advanced by the learned counsel for the petitioner. Even according to the petitioner, there is a resolution which purports to remove the petitioner from the very membership of the society. Therefore, the petitioner may not have the locus standi to challenge the acceptance of the returns submitted by the third respondent. Of course, the petitioner would argue that the very removal from a membership is illegal and bad in law. But that is an issue that has to be agitated elsewhere. A writ court is not competent to undertake a factual investigation. The status of the petitioner has to be established first. The petitioner must get a declaration that he continues to be a member of the third respondent society. Such a declaration can be given only by the jurisdictional civil court.

4.Therefore, leaving open the rights of the petitioner and giving liberty to the petitioner to move the jurisdictional civil court, I dismiss the writ petition. I make it clear that I have not gone into the merits of the matter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Inspector General of Registration,
No.100, Santhome High Road, Chennai.
- 2.The Registrar of Societies,
Madurai (South) District, Madurai-625 001.

+1 CC to SGP (SR-54[F] dated 05/01/2021)

+1 CC to M/s.J.ANANDHA VALLI, Advocate (SR-15[F]
dated 04/01/2021)

W.P. (MD)No.19447 of 2020

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SPM(CO)

NR (10/02/2021) 3P : 5C