



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.20188 of 2021

WEB COPY

C.Ponraj

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.

3.Thoothukudi Vadadhisai Hindu Nadar Mahamai,
Dharma Karapettai Paripalana Sangam,
(Reg. No.4/1919),
Rep. 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 1st and 2nd respondents herein to consider the petitioner's representation dated 06.11.2021 and pass appropriate orders for permission and police protection for the extra ordinary general body meeting of Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam, schdeule on 14.11.2021 (Baskar Mahal (Near DSF Grand Plaza), V.E.Road, Thoothukudi) and pass appropriate order in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.V.Meenakshisundaram

For Mr.D.Nallathami

For Respondents : Mr.T.Senthil Kumar,

Addl. Public Prosecutor for R1 & R2.

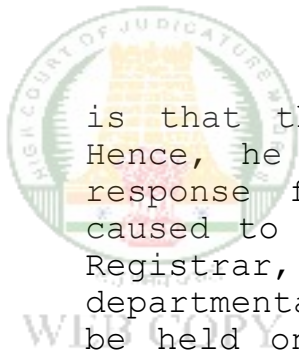
Mr.Ragatheeshkumar

For M/s.Isaac Chambers for R3

ORDER

Heard the learned counsel for the petitioner, learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The third respondent is a society registered under Tamil Nadu Societies Registration Act, 1975. The grievance of the petitioner



is that the general body of the society is not being convened. Hence, he sent a requisition on 27.09.2021. Since there was no response from the executive committee, a paper publication was caused to be made. Thereafter, the petitioner moved the District Registrar, Thoothukudi, who passed an order 13.10.2021 nominating a departmental official as an observer. The meeting was proposed to be held on 17.10.2021. But then, the meeting could not be held because the jurisdictional police passed an order declining permission for convening the meeting. Thereafter, the meeting was adjourned to 14.11.2021. Apprehending that the police may once again put spokes in the wheel, this writ petition came to be filed.

3.The matter was adjourned to enable the learned Additional Public Prosecutor to get instructions. The learned Additional Public Prosecutor on instructions states that in view of the prevalence of the pandemic, the police do not want the meeting to be convened. At this stage, the learned counsel representing the third respondent submitted that the management themselves proposed to hold the general body meeting on 05.12.2021. Since the third respondent themselves proposed to hold the meeting on 05.11.2021, the grievance of the petitioner stands substantially redressed. But then, the petitioner's counsel submitted that the composition of the general body should not run into controversy. In this regard, the learned counsel drew my attention to the order passed by the Hon'ble Division Bench on 08.05.2019 in W.A.(MD)Nos.1603, 1711, 1712 of 2018 etc. The Hon'ble Division Bench had clearly stated who will constitute the general body. Of course this order of the Hon'ble Division Bench is subject to appeal at the instance of the third respondent before the Hon'ble Supreme Court. The Hon'ble Supreme Court has not stayed the order of the Hon'ble Division Bench. Therefore, as on date, the third respondent has to necessarily abide by the directions given by the Hon'ble Division Bench on 08.05.2019 in the aforesaid writ appeals. Therefore, the writ petition is disposed of with the following directions:-

(a) The general body of the third respondent society shall be convened as proposed by the third respondent themselves on 05.12.2021 and it shall not be adjourned for any reason whatsoever.

(b) The District Registrar, Thoothukudi, had already nominated an officer to act as an observer in the general body meeting. The said observer will act as observer in the general body meeting that is to be held on 05.12.2021.

(c) The meeting is to be held only in the premises of the school run by the society. Therefore, the permission of the respondents 1 and 2 may not really be required. However, the respondents 1 and 2 are directed



to provide police protection to ensure the peaceful conduct of the meeting. The cost of providing bandobust will be borne by the petitioner.

(d) The agenda that is subject matter of requisition of the petitioner found at Page No.60 of the typed set of papers will form part of the agenda in the general body meeting to be held on 05.12.2021. No costs."

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-34325[F] dated 12/11/2021)

+1 CC to M/s.K.RAGATHEESH KUMAR FOR M/s.ISAAC CHAMBERS, Advocate
(SR-34356[F] dated 12/11/2021)

W.P (MD) No.20188 of 2021
11.11.2021

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GC/NS (22.11.2021) 3P 6C