

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.10281 of 2019

and

W.M.P.Nos.10829 to 10831 of 2019

T.Saravanan

..Petitioner

Vs.

1.The Inspector General of Registration,
Santhome, Chennai - 600 028.

2.The District Registrar, Administration,
Office of the District Registrar,
Dharmapuri - 636701.

3.D.K.Krishnan

4.A.K.Sivan

5.Shanmugam

6.Chinnasamy

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent dated 17.02.2018 made in Order No.13548/I3/2018 in confirming the order of the 2nd respondent dated 22.01.2018 made in No.3259/A3/2015 and to quash the same, consequently permit the interested members to administer the society namely, Thagadur Avvaiyar Motorworks Owners Association, Dharmapuri vide Registration No.105 of 1994 and for rendition of accounts in a regular period of time.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader
for R1 & R2

Mr.V.Raghavachari for R3 & R5
R4 & R6 - No Appearance

O R D E R

Challenge in the Writ Petition is to the order of the 1st respondent / Inspector General of Registration passed in an appeal under Section 45(1)(b)(ii) of the Tamil Nadu Societies Registration Act.

2.The complaint of the petitioner was that the society namely, Thagadur Avvaiyar Motorworks Owners' Association has not been administered properly by its Office Bearers. The petitioner, who was a member was removed from the membership of the society and his challenge to such removal has failed. Thereafter, the petitioner had invoked the jurisdiction of the Registrar of Societies under Sections 37 and 38. The Registrar of Societies had found that there has been several acts of omissions and commissions in the management of the society and had declared the Society as defunct and directed removal of its name from the list of the Societies under Sections 37 and 38 of the Act. Aggrieved, the petitioner has filed an appeal before the Inspector General of Registration under Section 45(1)(b)(ii) of the Tamil Nadu Societies Registration Act. The Inspector General of Registration has also rejected the appeal. It is against the order of the said rejection, the petitioner has come up with this Writ Petition.

3.Though the petitioner has projected a grievance of mismanagement of the Society under Sections 37 and 38, the entire proceedings have gone on, on the ground that the respondents 3 to 6, who were the Office Bearers of the Society had purchased lands in their names out of the funds of the Society and had sold the same. Recitals in some of the sale deeds were taken as a ground to contend that the lands were purchased in the names of the respondents 3 to 6 and sold by them belong to the Society.

4.This aspect has been addressed by both the authorities. Both the authorities have come to a concurrent conclusion that the sales have been effected by the respondents 3 to 6 as Power Agents of other persons and describing themselves as Office Bearers of the Society and in some of the documents some recitals have been included saying that the sale is for the benefit of Society. The authorities have concluded that, that by itself would not enable them to conclude that the properties were purchased by the respondents 3 to 6 in their names, out of the funds of the Society and sold to the members of the Society and those proceeds were misappropriated.

5.These facts would not form a subject matter of an enquiry under Sections 37 and 38 of the Societies Registration

Act. The contention of the petitioner, in effect, is that the respondents 3 to 6 have purchased properties in their names "Benami" using the funds of the Society. These are all matters which have to be addressed before a proper Civil Court in a properly constituted Civil Suit.

6.The authorities have rightly rejected the claim of the petitioner in this regard, while concluding that there has been a mismanagement of the Society and the Society has to be liquidated. Therefore, I do not find any reason to interfere with the conclusions of the authorities with reference to the nature of the properties and the ownership of the properties. It is open to the petitioner to take appropriate proceedings to seek restoration of the Society as may be available to him under law.

7.In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To:-

1.The Inspector General of Registration,
Santhome, Chennai - 600 028.

2.The District Registrar, Administration,
Office of the District Registrar,
Dharmapuri - 636701.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.40993
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.41051
+1cc to the Government Pleader, S.R.No.42071

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GPL(CO)
SB(20/07/2022)