



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11873 of 2022
and WMP.No.11309 of 2022

Ramesh

... Petitioner

Vs.

1.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome, Chennai 600 004.

2.The District Registrar,
District Registration Office (West),
District collector's Campus,
Salem 7, Salem District.

3.Selva Kumar

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing the 1st and 2nd respondents to consider the representation of the petitioner dated 31.03.2022 in accordance with law by invoking the powers of Under Section 36 of the Societies Registration act as per Earlier Communication dated 23.09.2019 made in Na.Ka.No. 6579/A.3/ 2018 on the file of 2nd respondent herein to secure the ends of justice.

For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

Order

This petition has been filed for issuance of writ of Mandamus to direct the 1st and 2nd respondents to consider the representation of the petitioner dated 31.03.2022 in accordance with law by invoking the powers of Under Section 36 of the Societies Registration Act.



2. The case of the petitioner is that the petitioner is the active member of Salem Civil Engineers Association. As per the bye law 2000, the Association is administered by its Office bearers, consisting of President, two Secretary, Treasurer, Vice President, Other Executive members and Governing Council Members. As per the provisions of Association, Office Bearers have to be elected as per election procedure, i.e., by way of secret ballot or other known source of election. However, the 3rd respondent Association did not conduct the election as per the procedures contemplated and conducted it against the provisions of the Act. Therefore, the petitioner has submitted a representation dated 31.03.2022 to the respondents 1 and 2 to take action under Section 36 of the Societies Registration Act and windup the 3rd respondent Association by appointing a Commissioner to conduct fair and free election. However till date, no response is forthcoming for the said representation. Hence, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the respondents 1 and 2 to consider the petitioner's representation dated 31.03.2022 and may pass appropriate orders within a stipulated time frame as fixed by this Court.

4. The learned Special Government Pleader appearing for the official respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents 1 and 2 to consider the petitioner's representation dated 31.03.2022 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Inspector General of Registration Office,
Santhome, Chennai 600 004.

2.The District Registrar,
District Registration Office (West),
District collector's Campus,
Salem 7, Salem District.

+1cc to Mr.R.Sankarasubbu, Advocate SR.No.32871

+1cc to Government Pleader SR.No.33711

W.P.No.11873 of 2022

RSV(CO)

GMV(30/06/2022)