IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.13627 of 2014

M.P.No.1 of 2014

P.Mathiarasan ...Petitioner

Vs

1.Secretary to Government
Commercial Tax and Registration,
Department, Chennai - 600 009.

2.The Inspector General of Registration,
No.120, Santhame High Road,
Chennai - 600 028.

3.The District Registrar,
Registration Department,
Velapaadi, Vellore, Vellore District - 1.

4.N.Gopal, President,
Guru Service Scheme Self Help Group,
Having office at No.4, New Street,
Senkuttai, Katpadi,
Vellore District - 632 007.

5.Guru Service Scheme Self Help Group
Represented by its Secretary Subashini,
Having Office at 9/4, New Street,
Senkuttai, Katpadi, Vellore District - 632 007. ...Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the second and third respondents proceedings No.1933/I1/2014, dated 10.03.2014 and No.2669/A2/2012, dated 03.01.2014 respectively and quash the same, and direct the respondents 2 and 3 to pass fresh order after following the Section 45 and Section 36(4) respectively of the Tamil Nadu Society Registration Act, 1975 and providing the personal hearing.

For Petitioner : Mr.G.Poonkundran
For R1 to R3 : Mr.Tippu Sultan
Government Advocate
For R4 & R5 : Mr.G.P.Arivuchudar

O R D E R

Aggrieved by the proceedings of the third respondent, the petitioner has preferred an appeal before the second respondent on 01.02.2014 and the second respondent, in his proceedings No.1933/I1/2014, dated 10.03.2014, has rejected the same on the ground that there is no provision of appeal against the order passed by the third respondent/District Registrar and that the General Body has power to decide an admission and removal of members. Against which, the petitioner has preferred the above writ petition.

2.Heard the submissions on either side.

3.At the out set, the petitioner has made several complaints against the irregularities in the affairs of the fifth respondent's Society. The third respondent has conducted an inspection and given his explanation and legal position. If at all the petitioner is aggrieved over the explanation given by the third respondent and if he wants to verify veracity of the statement, he should approach the very same third respondent seeking for necessary documents in proof of the remarks made by the third respondent. He has not taken any such action. Secondly, the petitioner has made an omnibus representation to the second respondent, wherein, he would state that explanations given by the third respondent are against the rules and biased. Therefore, a request was made to take appropriate action. The omnibus appeal without making any specific grounds is not maintainable even though there is a provision of appeal under Section 45 of the Societies Registration Act.

4.Further, the reply of the second respondent clearly explains that the proceedings issued by the third respondent after conducting enquiry into the complaint made by the members is not appealable. Further induction, removal of a member can be decided by general body of the Society. In that event, as rightly found by the second respondent, the explanation given by the third respondent cannot be considered as an order and that there cannot be any appeal as against the admission of members to the Society by the general body. It can be dealt with by when general body is convened. Therefore, so called appeal dated 01.12.2014 made by the petitioner is without substance and it is not maintainable and it had been rightly rejected by the second respondent. I do not find any discrepancy in the order passed by the second and third respondents.

5.If at all the petitioner is still aggrieved, he can take up the matter with the third respondent, after exhausting available remedy, he is entitled to make appeal to the second respondent on specific grounds and under relevant provisions of law. But the representation made by the petitioner cannot be treated as an appeal.

6.Accordingly, the writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government
   Commercial Tax and Registration,
   Department, Chennai - 600 009.

2. The Inspector General of Registration,
   No.120, Santhame High Road,
   Chennai - 600 028.

3. The District Registrar,
   Registration Department,
   Velapaadi, Vellore, Vellore District - 1.

+1cc to Mr.G.Poonkundran, Advocate, S.R.No.18376
+1cc to M/s.Law Square, Advocate, S.R.No.18384
+1cc to the Government Pleader, S.R.No.18147

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AK II(CO)
SP/02/06/2022