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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.34640 of 2018

and

W.M.P.Nos. 40163 of 2018 & 36051 of 2019

P.Ramamoorthy,
S/o. Pothiraj

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Commercial Taxes and Religious Endowment,
Fort St. George,
Chennai-600 009.
2. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-600 028.
3. The District Registrar of Societies,
Chennai Central,
Chennai-600 014.
4. Chennai Kammavar Naidu Varthaga Sangam,
rep. by its Secretary,
No.76, Gangatheeswara Kovil Street,
Purasaivakkam, Chennai-600 084.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to initiate action in accordance with law to remove the 4th respondent from the roll of registration by declaring the same as defunct society and consequently forbearing the 4th respondent from conducting any functions by incurring any expenditure from the 4th respondent's funds.

For Petitioner : Mr. S.Kadarkarai

For Respondents : Mr.P.Satish,
Addl. Govt. Pleader for R1 to R3

Mr.J.Suresh for R4



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O R D E R

This Writ Petition has been filed seeking a direction directing the respondents 1 to 3 to initiate action against the 4th respondent Sangam.

2. The grievance of the petitioner is that, earlier, he functioned as Vice-President of 4th respondent Sangam till 2001, and thereafter, the Sangam is not functioning properly and they have not submitted accounts as well as other documents for the period of 17 years continuously. Subsequently, the 4th respondent Sangam had become defunct and its members have no right to continue the Sangam. Therefore, the petitioner has made a representation to the 3rd respondent District Registrar to take action against the 4th respondent. Thereafter, he has filed a Writ Petition before this Court, in W.P.No. 28323 of 2018, seeking a direction directing the 3rd respondent District Registrar to consider his representation and pass suitable orders. This Court by an order dated 04.12.2018 disposed the Writ Petition with a direction to the 3rd respondent, to consider petitioner's representation and pass orders on merits and in accordance with law after issuing notice to the petitioner as well as other interested parties. Even thereafter, no action has been taken. Hence, the present Writ Petition has been filed seeking a direction.

3. Mr. J.Suresh, learned counsel appearing for 4th respondent would submit that, the 4th respondent Sangam had already submitted all the accounts and other relevant documents for renewal of Sangam before the 3rd respondent, along with the application to condone the delay in submitting application, that application is still pending, not yet considered. Hence, the 4th respondent has also filed a Writ Petition in W.P.No. 34370 of 2018 before this Court and this Court by an order dated 18.02.2019 disposed the Writ Petition with a direction directing the 3rd respondent District Registrar to consider their application and pass suitable orders within a period of eight weeks, even that order was also considered by the 3rd respondent and so far, no order has been passed.

4. Mr. P.Satish, learned Addl. Government Pleader appearing for respondents 1 to 3, on instructions, would submit that, pending Writ Petition, based on the order passed by this Court in the Writ Petition dated 18.02.2019, the 3rd respondent District Registrar had passed an order condoning the delay subject to the outcome of Writ Petition as well as other Suits filed by the parties pending before the civil court, which was also approved by the Government in G.O.(D) No.12, dated 21.01.2020. He has also produced the copy of the order as well as G.O. issued by the Government.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.



6. There are two Writ Petitions have been filed by the party, one is filed by the petitioner in W.P.No.28313 of 2018 seeking a direction to the District Registrar to take action against the 4th respondent, and this Court disposed the Writ Petition directing the District Registrar to consider his complaint and pass suitable orders. But, admittedly, no order has been passed in the petitioner's complaint. Another Writ Petition in W.P.No. 34370 of 2018 filed by the 4th respondent seeking a direction directing the District Registrar to consider his application to condone the delay in submitting documents and other forms. In that Writ Petition also, this Court directed the 3rd respondent District Registrar to consider his application and pass suitable orders on merits. In pursuant to the order, the District Registrar passed an order condoning the delay in filing the accounts and other documents subject to the result of outcome of Writ Petition and other suit filed by the parties, which was also subsequently approved by the Government. However, no order has been passed on the complaint filed by the petitioner. It is also submitted by the party that, a suit filed by them is only relating to election conducted by the Sangam and the removal of petitioner from the society. It is nothing to do with the subject matter of this Writ Petition.

7. Considering the above circumstances, the 3rd respondent ought not to have taken the application filed by 4th respondent and disposed the same without considering the complaint filed by the petitioner as directed by this Court. In the said circumstances, to give quietus to all the disputes, considering the entire matter afresh, the 3rd respondent is directed to take up both complaint filed by the petitioner as well as application filed by the 4th respondent together and pass suitable orders on merits and in accordance with law after hearing both the petitioner as well as 4th respondent. The petitioner and the 4th respondent are directed to appear for the enquiry and submit their objections. The above exercise shall be completed within a period of twelve weeks from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rpp



To

1.The Secretary,
State of Tamil Nadu,
Commercial Taxes and Religious Endowment,
Fort St. George, Chennai-600 009.

2.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-600 028.

3.The District Registrar of Societies,
Chennai Central,
Chennai-600 014.

+1cc to Mr.S.Kadarkarai, Advocate SR. No.12501
+1cc to Government Pleader SR. No.12355
+1cc to Mr.J.Suresh, Advocate SR. No.11900

W.P.No.34640 of 2018

SPD (CO)
PR (31/03/2022)