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W.P.(MD)NO.257 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.257 of 2022 and
W.M.P.(MD)No.193 of 2022

Badmasaliar Munnetra Sangam
A Registered Society- Regd. No.175/86,
17/22, Appavu Kinatru Lane,
Markandasamy Kovil Street,
Avaniya Puram, Madurai.
Represented thro' its Presedent K.A. Krishnan. ... Petitioner

Vs.

1. The District Collector,
Madurai.
2. The District Registrar (Administration),
Madurai (South)
3. R. Jagadeesan
4. N. Subramanian ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, call for the records of the impugned order passed by the 2nd respondent NA.KA.No.5564/E/2021 dated 27-12-2021 in so far as returning of the annual report and accounts of the petitioner's society for the years 2018-2019 and 2019-2020 solely on the objection of 3rd respondent as illegal and quash the same and consequently, direct the second respondent to receive the



annual report and accounts for the years 2018-2019 and 2019-2020 that may be represented by the petitioner.

For Petitioner : Mr.K. Muraleedharan

For R-1& R-2 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R3 & R4 : Mr. C. Godwin

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a registered society. After holding the annual general meeting and electing new set of office bearers, the petitioner presented the annual report and accounts before the second respondent. The second respondent declined to file the same on the ground that the private respondents herein have filed O.S.No.114 of 2021 before the District Munsif Court, Madurai Taluk. The impugned communication returning the annual report and accounts is put to challenge in this writ petition.



3. It is not in dispute that the private respondents did not hold any rival meeting or election. Though they have filed a civil suit before the jurisdictional civil Court, no interim order has been obtained restraining the second respondent from receiving the documents in question. I can take notice of the fact that the Inspector General of Registration has recently issued a circular directing that the registrars must receive the annual reports and other returns so long as there is no restraint order from the jurisdictional civil Court. In this case, there is no restraint order. The order impugned in this writ petition stands quashed.

4. The second respondent is directed to file the petition mentioned documents. The learned counsel appearing for respondents 3 and 4 submitted that a large number of members were unfortunately removed by the society. I do not want to go into the veracity of the said allegation. Be that as it may, since the civil suit had already been filed, the learned District Munsif, Madurai Taluk, is directed to dispose of O.S.No.114 of 2021 on merits and in accordance with law within a period of eight months from the date of receipt of a



copy of this order. This writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note : Registry to mark a copy of this order to
the learned District Munsif, Madurai Taluk.

To:

1. The District collector,
Madurai.
2. The District Registrar (Administration),
Madurai (South).



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G.R.SWAMINATHAN,J.

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