



WA(MD)No.1432 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.A.(MD)No.1432 of 2011
and
M.P.(MD)No.1 of 2011

Madurai Aruppukkottai Nadar Uravinmurai
Mahalir Melnilaipalli Paribhalana Sabai,
through its Secretary,
V.N.Sivakumar.

....Appellant/Petitioner

[Petitioner is substituted as per order dated 22.10.2018 in CMP(MD)No. 9013 of 2018]

/Vs./

1. The District Registrar (Administration),
Madurai (South),
Mahal, Madurai-1.
2. The Chief Educational Officer,
Tallakulam, Madurai-2.
3. The Inspector of Police (Law & Order),
Keerai Thurai, Madurai-1.
4. M.Rathinasamy



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5. N.S.M.R.Mutharashu

6. M.K.Pandiyan

7. V.Nagarajan

8. P.C.Jambulingam

9. T.Ganesan

10. P.Periyasamy

11. D.Vinayaga Moorthy

12. Madurai Keelapettai Aruppukkottai Hindu
Nadaragal Uravinmurai,
115, East Masi St.,
Madurai-1
through its Secretary.

... Respondents/Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, praying this Court by setting aside the order passed in W.P.(MD)No.872 of 2011, dated 14.11.2011, passed by this Court and allow the same.

For Appellant : Mr.N.Sathish Babu

For Respondents : Mr.D.Sasikumar (R1 to R3)

Additional Government Pleader

Mr.R.Murali (R5, R6, R8 to R12)

No Appearance (R4, R7)



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JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

This Writ Appeal has been filed against the order passed by the learned Single Judge dismissing the writ petition filed by the appellant challenging the proceedings of the first respondent dated 12.01.2011.

2. Heard Mr.N.Sathish Babu, learned counsel appearing for the appellant, Mr.D.Sasikumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.R.Murali , learned counsel appearing for the respondents 5, 6, 8 to 12.

3. The issue that is involved in the present case pertains to the merger of two registered societies. When the first respondent issued the impugned proceedings dated 12.01.2011, the merger was permitted, subject to the result of the suits pending before the competent Courts in O.S.Nos.982 of 2010 and 912 of 2000. The learned Single Judge, while dealing with this issue, took note of the judgment of the Full Bench of this Court in



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C.M.S.Evangelical Suvi David Memorial Higher Secondary School

Committee, Karisal, through its Secretary, Sri.S.David Stephen vs. The

District Registrar, Cheranmahadevi, Tirunelveli reported in 2005 (2)

CTC 161 and found that the writ petition itself is not maintainable and subsequently, the writ petition came to be dismissed.

4. We do not find any ground to interfere with the order of the learned Single Judge. In any case, the first respondent had ordered for merger of the Society, subject to the result of the suits. If the suits have been disposed of and if any appeal has been filed against the same, it goes without saying that it will be subject to the result of the appeal, since the appeal is only continuation of the suits.

5. In view of the above, this Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
21.09.2022

Index : Yes/No
Internet : Yes



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