



*W.P.(MD).No.10059 of 2012*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.07.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.10059 of 2012**

**and**

**M.P(MD)No.2 of 2012**

A.Sathanathan

... Petitioner

Vs.

1.The Inspector General of Registration,  
Santhome High Road,  
Chennai.

2.The District Registrar (Admin),  
Office of the District Registrar,  
Tuticorin,  
Tuticorin District.

3.The District Educational Officer,  
Office of the District Educational Officer,  
Tuticorin District.

4.The Kayalpattinam-Arumuganeri Educational Society,  
Represented by its President,  
Peyanvilai,  
Tiruchendur Taluk,  
Tuticorin District.

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent in Na.Ka.No.5680/A3/2011 dated 28.02.2012 in respect of the complaint of the petitioner against the Kayalpattinam - Arumuganeri Educational Society Registration No.3/1984 at Peyanvilai, Tiruchendur Taluk, Tuticorin District, the fourth respondent herein and quash the same and consequently direct the second respondent to consider the representations of the petitioner in the light of the Provisions of the Tamil Nadu Societies Registration Act, 1975.

For Petitioner : Mr.T.Lajapathi Roy  
For R1-R3 : Mr.S.Selvaganesan  
Additional Government Pleader  
For R4 : Mr.H.Mohammed Imran  
for M/s.Ajmal Associates

**ORDER**

The present petition has been filed by a former Headmaster of the school run by the fourth respondent educational society.

2. According to the learned counsel for the petitioner, several irregularities are taking place in the said society and he has pointed out some misfeasance and malfeasance on the part of the society. However, the second respondent has rejected his request for initiation of



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proceedings under Section 36 of the Tamil Nadu Societies Registration Act, 1975 by way of an impugned order, dated 28.02.2012. According to the learned counsel for the petitioner, despite various irregularities being pointed out by the writ petitioner, the District Registrar has refused to initiate any action. Hence, the present writ petition has been filed.

3. The learned counsel for the fourth respondent society has contended that the petitioner is not a member of the society and he was the Headmaster of the school run by the fourth respondent society. The petitioner had retired from service and due to some motive, the present complaint has been lodged before the second respondent herein.

4. The learned Additional Government Pleader appearing for the official respondents had contended that since the request of the petitioner does not fall within the ambit of Section 36 of the Tamil Nadu Societies Registration Act 1975, he was directed to approach the competent Civil Court.

5. I have carefully considered the submissions on either side.



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6. A perusal of Section 36 of the Tamil Nadu Societies Registration Act 1975, disclose that the second respondent herein is entitled to initiate action under the said Section, only if the request emanates from the majority of the members of the committee or from 1/3<sup>rd</sup> members of the society or if it is moved by the District Collector or some person, authorized by the Registrar and also by his own motion. In the present case, the petitioner not being a member of the society, who was the former Headmaster of the school has no *locus standi* to question the functioning of the society. Though certain allegations have been made by the petitioner as against the fourth respondent herein, the statutory authorities have rightly directed the writ petitioner to approach the competent Civil Court to redress his grievances. The mechanism under the Tamil Nadu Societies Registration Act 1975, can be set in motion only by a member or if the Registrar is satisfied, he can move it on his own motion. In the present case, the Registrar, in his opinion, has found that the issues raised by the writ petitioner do not warrant an action under Section 36 of the Tamil Nadu Societies Registration Act 1975.



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7. In view of the satisfaction arrived at by the second respondent herein, I do not find any grounds to interfere in the impugned order passed by the second respondent herein. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**13.07.2022**

Index : Yes / No  
Internet : Yes / No  
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To

- 1.The Inspector General of Registration,  
Santhome High Road,  
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**R.VIJAYAKUMAR ,J.**

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Order made in  
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