



W.P.(MD).No.15107 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15107 of 2013

and

M.P(MD)No.1 of 2013

Trichy-Tanjore District Film Distributors
Association (Registration No.S-80/69),
Room No.72, Chinnakadai Street,
Trichy 620 002,
Represented by its Secretary,
P.Rajarethinam

... Petitioner

Vs.

- 1.The Secretary to Government,
Commercial-taxes (M) Department,
Fort St.George,
Chennai-600 009.
- 2.The Inspector General of Registration,
Santhome,
Chennai-600 004.
- 3.The Registrar of Societies,
Court Campus,
Tiruchirapalli-620 001.
- 4.Trichy Tanjore Pudukottai Quaid-E-Millath,
District Film Distributors Association,
(Registration No.163/93),



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Represented by its President,
Dr.R.Ramasubbu.

... 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 Mandamus, directing respondents 1 to 3 to take action against the fourth respondent for the illegal acts committed by the fourth respondent in contravention of the provisions of the Tamil Nadu Societies Registration Act, 1975 and pass such further or other order as this Court.

For Petitioner : Mr.G.S.Ashok Adhithyan
for M/s.M.Subash Babu

For R-1 to R-3 : Mr.J.K.Jeyaseelan
Government Advocate

For R-4 : Mr.P.Thiyagarajan

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents 1 to 3 to initiate action as against the fourth respondent herein.

2. According to the learned Counsel for the petitioner, the fourth respondent Association had passed a resolution, to merge the petitioner's Association with the fourth respondent herein. The said



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resolution was challenged by the office bearers of the petitioner's Association in O.S.No.2402 of 1993 on the file of the District Munsif Court, Trichirapalli. The learned District Munsif was pleased to partly decree the suit, declaring that the extraordinary general body meeting held on 27.09.1993 and the resolution passed therein are illegal, void and inoperative and it dismissed the suit with regard to the prayer of permanent injunction. Hence, as on today, according to the learned Counsel for the petitioner, the fourth respondent's Association and the petitioner's Association are functioning independently. However, the learned Counsel for the petitioner submits that pursuant to the illegal resolution passed by the fourth respondent's Association, the movable and immovable properties have been taken over by the fourth respondent Association. Hence, they have given a complaint to respondents 1 to 3 to initiate action as against the fourth respondent herein. Since no action was initiated, the present writ petition has been filed.

3. The learned Counsel for the fourth respondent has filed a Memo reporting no instructions. The said memo is recorded.



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4. The averments in the writ petition as well as the decree of the civil Court indicates that the petitioner's Association was successful in dissociating themselves from the resolution of merger passed by the fourth respondent herein. However, when there is a dispute with regard to the movable and immovable properties, the petitioner's Association has to necessarily move only the competent civil Court to get back their properties. The respondents 1 to 3 herein will not be in a position to interfere in the said dispute. If at all there is any mismanagement within the fourth respondent institution, they can interfere. However, when there is a dispute between two registered Associations with regard to the moveable and immovable properties, the petitioner's Association has to approach only the competent civil Court. Reserving the right of the petitioner to approach the competent civil Court, the writ petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16.08.2022

Index : Yes / No
Internet : Yes / No
btr



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- 3.The Registrar of Societies,
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- 4.The President,
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R.VIJAYAKUMAR, J.

btr

Order made in
W.P.(MD).No.15107 of 2013

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