



W.P(MD)No.4241 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4241 of 2021

and

W.M.P.(MD)Nos.3436 and 3438 of 2021

P.Rajamanickam,
Member of MDCC Bank Staff Association,
Membership No.
No.187, North Veli Street,
Madurai – 1.

... Petitioner

Vs.

- 1.The Secretary to Government,
Registration Department,
Secretariat,
Chennai 600 009.
- 2.The Inspector General of Registration,
Santhome High Road, Chennai.
- 3.The District Collector,
Madurai District,
Madurai.
- 4.The Commissioner of Police,
Madurai City, Madurai.
- 5.The Deputy Inspector General of Registration,
Madurai Region, Madurai.
- 6.The District Registrar,
Registration Department,



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Rajakambiram,
Madurai District.

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7.The Managing Director,
Madurai District Central Cooperative Bank,
Madurai.

8.S.Prabhakar, President,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Manager,
Madurai District Central Cooperative Bank,
Arasaradi Branch, 45-F Cornation Street,
T.B.Road, Arasaradi, Madurai 625106.

9.N.Muthupappa, Vice President,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Assistant Manager,
Madurai District Central Cooperative Bank,
Krishnapuram Colony Branch,
No.20 A, Krishnapuram Colony Main Road,
Krishnapuram Colony,
Madurai 625014.

10.M.Shanmugam, Secretary
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Manager,
Madurai District Central Cooperative Bank,
Villapuram Branch, Aruppukottai Main Road,
Villapuram, Madurai 625012.

11.P.Muthuraman, Joint Secretary,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Assistant Manager,
Madurai District Central Cooperative Bank,
Head Office, No.187, North Veli Street,
Madurai – 625 001.



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- 12.S.Veeramanikandan, Treasurer,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Manager,
Madurai District Central Cooperative Bank,
Peraiyur Branch, No.8-1/59 Aranmanai Street,
Old Murugan Theatre Nearby
Peraiyur – 625 703, Madurai District.
- 13.R.Rajasekar, Director,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Manager,
Madurai District Central Cooperative Bank,
T.Kallupati Branch, 2/142 Vannivelampatti Road,
T.Kallupatti, Madurai – 625702.
- 14.S.Mariappan, Director,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Assistant Manager,
Madurai District Central Cooperative Bank,
Bodi Line, Backside of Manickam Mahal New Ellis,
Madurai 625010.
- 15.R.Kannan, Director,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Manager,
Madurai District Central Cooperative Bank,
Andipatti Branch, Theni Main Road,
Near Murugan Theatre,
Andipatti, Theni 625512.
- 16.M.Selvaraja, Director,
MDCC Bank Staff Association,
No.187, North Veli Street,
Madurai – 1. Presently Working as Assistant Manager,
Madurai District Central Cooperative Bank,



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Head Office, No.187, North Veli Street,
Madurai – 625 001.

... 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 the 6th respondent to enquire into the affairs of the MDCC Bank Staffs Association bearing Registration No.141/65 in terms of section 36 of Tamilnadu Societies Registration Act, 1975 and to appoint a special officer in supersession of existing executive committee members/respondents 8 to 16 as per section 34-A of Tamilnadu Societies Registration Act, 1975 and to take appropriate action against respondents 8 to 16 for defalcation of funds and mismanagement of funds.

For Petitioner : Mr.T.Arul

For Respondents : Mr.K.S.Selvaganesan,
Addl. Govt. Pleader for R1 to R6.
Mr.G.Prabhu Rajadurai for R8, R10 & R12.
Mr.D.Shanmugarajasethupathi for R7.

ORDER

Heard the learned counsel on either side.

2.The petitioner is a member of MDCC Bank Staff Association. The petitioner along with a number of fellow-members had given a complaint before the sixth respondent demanding enquiry under Section 36 of the Tamil Nadu Societies Registration Act, 1975. The learned counsel for contesting



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respondents would point out that the number of signatories would not meet the requirements of 1/3rd. Be that as it may, under Section 36 of the Act, the Registrar can act on his own motion also. In the case on hand, the sixth respondent has to necessarily invoke the said jurisdiction. In view of the allegations set out in the complaint, the sixth respondent is directed to enquire into the petition mentioned complaint and take appropriate action on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter. All the contentions of the contesting respondents are left fully open.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

25.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Secretary to Government,
Registration Department,
Secretariat,
Chennai 600 009.
- 2.The Inspector General of Registration,
Santhome High Road, Chennai.



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3.The District Collector,
Madurai District,
Madurai.

4.The Commissioner of Police,
Madurai City, Madurai.

5.The Deputy Inspector General of Registration,
Madurai Region, Madurai.

6.The District Registrar,
Registration Department,
Rajakambiram,
Madurai District.



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G.R.SWAMINATHAN, J.

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