



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4931 of 2022

S.P.K.Goguldoss

... Petitioner

Vs.

1. The District Registrar (Societies),
Velu Nachiar Valagam,
Office of the District Collector,
Dindigul.

2. The Secretary,
Nagal Sagar Sourashtra Sabha,
Door No.1, Muniyappan Kovil Street,
Nagal Nagar, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 21.02.2022 in order to safeguard the interest of the members of the 2nd respondent Society.

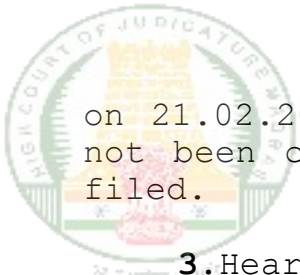
For Petitioner : Mr.Babu Rajendran

For Respondent No.1 : Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 21.02.2022 and pass final orders within a time frame to be fixed by this Court.

2.The petitioner claims that he is one of the council members of the second respondent Sabha. He has given the aforementioned representation alleging that no proper audit was done by the second respondent Sabha. According to him, after noticing that no proper audit was done, 56 of the council members out of the 100 council members approached the office bearers of the second respondent Sabha and requested them to furnish proper accounts and to utilize the funds for the needy people but the efforts of the people and others went in vain. In such circumstances, he has given a representation



on 21.02.2022 to the first respondent. The said representation has not been considered till date. Hence, this writ petition has been filed.

3.Heard Mr.Babu Rajendran, learned Counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the first respondent.

4.On instructions, he would submit that the petitioner has not satisfied the requirement of Section 36 of the Tamil Nadu Societies Registration Act, 1860. According to him, one individual member of the Sabha cannot give a complaint as per Section 36 of the Act. The said statement is recorded.

5.However, learned Counsel for the petitioner would submit that the petitioner is not seeking for removal of any of the office bearers but only seeks for audit being done in respect of the second respondent Sabha. The said statement is also recorded.

6.No prejudice would be caused to the first respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the second respondent.

7.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 21.02.2022, requesting the first respondent to take action against the second respondent for not conducting proper audit in respect of their accounts and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the second respondent within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR
To
The District Registrar (Societies),
Velu Nachiar Valagam,
Office of the District Collector,
Dindigul.

<https://hcservices.courts.gov.in/hcservices/>



+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-13242[F] dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13489[F] dated 22/03/2022)

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