



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)No.491 of 2022

and

C.M.P(MD)Nos.4518 & 4519 of 2022

Chellam

... Appellant/Third Party

Vs.

1.Ramamoorthi

... Respondent/Writ petitioner

2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028.

3.The District Registrar of Societies (Administration),
District Registrar Office,
Sivagangai,
Sivagangai District.

... Respondent/Respondents 1 & 2

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order, dated 31.03.2022 passed in W.P(MD)No.176 of 2022 by the learned Single Judge.

Prayer in WP(MD). 176 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus direct Inspector General of Registration and the District Registrar (Societies) Administration, Sivganga, respondents 1 and 2 herein to dispose the proceedings vide document no.2596/Aa2/2012 dated 14.11.2013 originated from the order passed by the District Registrar (Societies) Administration vide Na.Ka.No.5063/Aa2/2009 dated 16.09.2010 under 36(1) of the Tamil Nadu Societies Registration ACT 1975 (ACT 27 of 1975) and pass such further other order as deem fit for the proper in the circumstances of this case and thus render justice.

For Appellant : Mr.R.Sidharthan

For R-2 & R3 : Mr.J.Ashok
Additional Government Pleader



JUDGMENT

(Judgment of this Court was made by R.SURESH KUMAR ,J.)

In the appeal, the appellant being a third party, who is not a party to the writ petition in W.P(MD)No.176 of 2022, wherein, in a common order along with writ petition in W.P.(MD)No.175 of 2022, the learned single Judge of this Court has passed an order, dated 31.03.2022, which is impugned in the writ appeal.

2. In the said order, the learned Judge said that the original writ petitioner one Ramamoorthi has made a complaint against the office bearers of the fifth respondent society in W.P (MD)No.175 of 2022 and the said society is also not a party in W.P (MD)No.176 of 2022. Based on the said allegation, the learned Single Judge had come to a conclusion that since there was no specific representation given by the said Ramamoorthi, he was permitted to give fresh representation to the official respondents. The official respondents in the writ petitions were directed to consider such representation after giving an opportunity to all the parties concerned and the same shall be decided on merits. Challenging the said order, the present writ appeal has been filed, for which, the third party leave was sought for.

3. After hearing the learned Counsel for the petitioner as well as the learned Government Pleader appearing for the official respondents, we are inclined to pass the following orders taking into account the circumstances of the case.

"Though we do not find any infirmity in the order passed by the learned Single Judge, which is impugned herein, but at the same time, while complying with the order, dated 31.03.2022, the official respondents by considering the representation to be submitted or already been submitted by Ramamoorthi, who was the original writ petitioner, the grievance of the petitioner, who is representing the society as a President, shall also be heard and after giving such an opportunity to the President, the orders of the learned Single Judge, dated 31.03.2022 may be complied with".

4. With these observations, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr/am

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To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028.

2.The District Registrar of Societies (Administration),
District Registrar Office,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL.GP. (SR-24147[F] dated 26/05/2022)

W.A (MD) No.491 of 2022
25.05.2022

RK(02/06/2022) 3P 4C