



W.P.(MD)No.18604 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.18604 of 2022

P.M.V.Asokar Muthu

... Petitioner

Vs

1.Inspector General of Registration,
Santhome High Road,
Chennai-600 028.

2.Deputy Inspector General of Registration,
Integrated complex of Registration Department,
TNAU Nagar,
Rjakampeeram,
Y.Othakadi,
Madurai-625 107.

3.The District Registrar,
O/o.District Registrar Office,
58/1,Cutchery Road,
Virudhunagar,
Tamil Nadu-626 001.

4.தளவாய்புரம் நாடார்களுக்குப் பாத்தியப்பட்ட
பு.மு.மாரிமுத்து நாடார் மேல்நிலைப்பள்ளி
மேனேஜிங் போர்டு தளவாய்புரம்
Society Registered as S.No.238 of 1999
Represented by its President
5/13C, Magumai Kadai Veethi,
Thalavaipuram-626 188.

... 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 third respondent to conduct enquiry on the complaint dated 23.05.2021 sent by the petitioner after providing personal hearing to the petitioner and to inform the petitioner on the action taken by the third respondent as directed by the second respondent vide letter bearing Na.Ka.No.4810/A3/dated 24.05.2022.

For Petitioner	: Mr.I.Suthakaran
For R1 to R3	: Mrs.S.Jayapriya Government Advocate
For R4	: Mr.S.Palanivelayutham

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to conduct an enquiry on the complaint dated 23.05.2021 sent by the petitioner after providing personal hearing to the petitioner and to inform the petitioner on the action taken by the third respondent as directed by the second respondent vide letter bearing Na.Ka.No.4810/A3/dated 24.05.2022.

2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The learned counsel appearing for the petitioner would submit that the fourth respondent is a society registered under the Tamil Nadu Societies



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Registration Act, 1975 (hereinafter referred to as the “Societies Act”) which

was established on 22.10.1999. The petitioner and several other members who were removed, sent a letter dated 20.09.2021 regarding the illegalities perpetrated by the fourth respondent's President and resolve the same in accordance with law. In response, vide letter dated 13.11.2021, the first respondent referred to one of the member's letter, directed the third respondent to call for an enquiry of the petitioner and other complainants in accordance with Societies Registration Act, 1975 and respond to the petitioner and other complainants. While the petitioner was making oral enquiry with the third respondent regarding fixing a date for an enquiry on the complaint raised by the petitioner and others, much to the shock, the third respondent vide letter bearing Na.Ka.No.5065/E1/2021 dated 02.12.2021 called for the fourth respondent's response to the complaint letter dated 12.09.2021 written by one Mr.P.Amalagurusamy referred to by the first respondent. This is contrary to the letter bearing No.36997/I2/2021 dated 23.10.2021 signed on 12.11.2021 issued by the first respondent. The conduct of the third respondent in asking for the fourth respondent reply reeks of malafides and suffers from complete non-application of mind. The complainants along with several others ought to be heard first and then the response of the fourth respondent and its office bearers is to be sought. Hence, the writ petitioner seeks writ of mandamus directing the



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third respondent to conduct an enquiry on the complaint dated 23.05.2021 sent by the petitioner after providing personal hearing to the petitioner and to inform the petitioner on the action taken by the third respondent as directed by the second respondent vide letter bearing Na.Ka.No.4810/A3/dated 24.05.2022.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that on 12.08.2022 the third respondent has passed appropriate order stating that the complaint given by one Marimuthu Nadar Higher Secondary School and letter issued by the Joint Registrar of Registration Department, Madurai, dated 24.05.2022 were considered. In that complaint, the complainant has paid subscription 52 to 62 years, but till date he has not been included as member in the said society and he seeks to include him as a member in the said society. As per Tamil Nadu Societies Registration Act 1975 Rules 1978, the Registrar has no authority to include or delete any member of the society. Therefore, the complainant has to work the remedy before the appropriate Court.

5. Regarding the non inclusion of member or deletion of member it involves facts and other evidence and there is no malafide intention involved and proved in this case and therefore, the respondents have rightly followed the procedure contemplated.



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6. Accordingly, the writ petition stands disposed of with a direction to the petitioner to approach the competent Court to establish his rights. No costs.

Index : Yes/No
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To

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2. Deputy Inspector General of Registration,
Integrated complex of Registration Department,
TNAU Nagar, Rjakampeeram,
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V.BHAVANI SUBBAROYAN, J.

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