



W.P.(MD)No.18814 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.18814 of 2022**

**and**

**W.M.P(MD)Nos.13709 & 13711 of 2022**

Aruppukottai Nadargal Uravinmurai  
Pothu Abiviruthi Trust,  
Represented by its Secretary  
S.C.Saravanan,  
No.42, Big Bazaar Street,  
Aruppukottai – 626 101.

... Petitioner

Vs

1.The District Registrar (Societies)  
Virudhunagar,  
Virudhunagar District.

2.The Revenue Divisional Officer,  
Aruppukottai Revenue District,  
T.S.Ramalinga Nagar,  
Palayampatti,  
Aruppukkottai-626 101.

3.Tahsildar,  
Aruppukkottai,  
Virudhunagar – 626 101.

4.K.Kamarajan  
5.P.M.C.Muthukumar  
6.Y.Rajarathinam

... Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to impugned letter dated 13.08.2022 made in Na.Ka.A2/7972/2016 on the file of the Revenue Divisional Officer, the second respondent herein and quash the same.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.R.Baskaran  
Additional Advocate General  
Assisted by  
Mr.K.S.Selvaganesan  
Additional Government Pleader for R.1 to R.3

Mr.K.K.Kannan for R.4 & R.5

Mr.S.Ramsundarvijayraj for R.6

### **ORDER**

Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the private respondents.

2. The case on hand pertains to the affairs of the writ petitioner Society. It is a Society registered under the provisions of the Tamil Nadu Societies Registration Act, 1975. By the impugned order, the Revenue Divisional Officer, Aruppukottai had called upon the jurisdictional Deputy Superintendent



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of Police to consider the representation given by the fourth respondent and provide due protection for the smooth running of the Society.

3. The learned Additional Advocate General would point out that the fourth respondent was duly elected and Form 7 had been filed before the first respondent. He underlined the fact that no rival Form 7 has been filed. Since there was a potential threat to law and order, the Revenue Divisional Officer, Aruppukottai deemed it fit and appropriate to call upon the jurisdictional Deputy Superintendent of Police to look into the matter. He submitted that no interference is really called for.

4. The only question that calls for consideration is, whether the second respondent was justified in issuing the impugned communication. The private respondents herein make a categorical claim that they have been elected as the Office Bearers of the writ petitioner Society. Reading of the impugned communication would indicate that their grievance is that previous set of Office Bearers whose tenure has expired, are not handing over the charge of the Society. Without going into the factual controversies, the legal issue raised in this writ petition can very well be answered by analogy only from the statutory scheme set out in the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959. Section 101 of the said Act states that if the previous trustee does



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not hand over the charge, the newly appointed trustee can very well move the jurisdictional Magistrate for relief. I do not find any corresponding provision in the Tamilnadu Society Registration Act, 1975 are the Rules framed thereunder.

5. There appears to be a factual dispute. It is not for the second respondent to intervene on the side of one particular group. The rival parties will have to work out their rights in the manner known to law. The impugned communication is patently lacking any jurisdiction. It is quashed.

6. This writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

**17.08.2022**

Index : Yes / No  
Internet : Yes/ No  
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To

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2.The Revenue Divisional Officer,  
Aruppukottai Revenue District,  
T.S.Ramalinga Nagar,  
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3. Tahsildar,  
Aruppukkottai,  
Virudhunagar – 626 101.



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**G.R.SWAMINATHAN, J.**

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