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W.P.No.4962 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4962 of 2020

R.Seji

... Petitioner

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration (M1) Department,
Secretariat,
Chennai – 600 009.

2.Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

3.The Registrar of Societies
South Chennai
District Registrar (Admin)
Guindy Industrial Estate,
Guindy,
Chennai – 600 032.

4.Sri Narayana Mission

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to consider and pass order in petitioner's representation dated 29.01.2020 within a time limit that may be stipulated by this Court.



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For Petitioner : Mr.R.Subburaj

For Respondents : Mr.M.Alagu Goutham for R1 to R3
Government Advocate
Ms.T.B.Ramya for R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct respondents 1 to 3 to consider and pass order on the petitioner's representation dated 29.01.2020 within a time limit that may be stipulated by this Court.

2.The case of the petitioner is that the petitioner is a member of the fourth respondent society. The fourth respondent society is running a School in West Mambalam, Chennai. According to the petitioner, the Governing Body comprising of one A.M.Gopalan is collecting donation at the entry level from the students; the accounts maintained by the society have not been rendered before the General Body since General Body Meeting has not been convened for several years; the affairs of the society have not been filed before the Registrar of Societies and the henchmen of the said A.M.Gopalan are attempting to have complete control over the affairs of the society.



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3.The further case of the petitioner is that the petitioner therefore made representation to the respondents 1 to 3 seeking to issue show cause notice to the Governing Body and to conduct thorough enquiry in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975 and for appointment of a Special Officer to administer the affairs of the society and thereafter to conduct election to run the Governing Body, however, the same has not yet been considered. Hence, this writ petition.

4.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the respondents 1 to 3 to consider the petitioner's representation dated 29.01.2020 and to pass appropriate orders within a reasonable time frame.

5.The learned Government Advocate appearing for the respondents 1 to 3 submitted that if the fourth respondent collect any excess amount from the students, the petitioner has to make complaint before the educational Authorities and should not make representation before the respondents 1 to 3. Pointing out to the counter affidavit filed by the third respondent, he further submitted



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that the annual statements including the copy of receipt and expenditure account and balance sheet till the year 2017-18 have been filed by the fourth respondent.

6.The learned counsel appearing for the fourth respondent submitted that election to run the Governing Body was conducted on 11.04.2021 and the petitioner challenged the same by filing O.S.No.91 of 2021 before the XI Assistant City Civil Court, Chennai.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.It appears that election to run the Governing Body of the fourth respondent was conducted on 11.04.2021 and the petitioner challenged the same by filing O.S.No.91 of 2021 before the XI Assistant City Civil Court, Chennai. If at all the petitioner have any further grievance with regard to the election, the petitioner has to file necessary petition before the XI Assistant City Civil Court, Chennai, where the dispute with regard to election is pending.



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9. In view of the above, the relief sought for in this writ petition cannot be granted. The writ petition is accordingly dismissed. No costs.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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