



W.P.No.7637 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7637 of 2023

and

W.M.P.No. 9593 of 2023

S.P.Sivaperumal

... Petitioner

vs.

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Raja Annamalai Puram, Chennai-600 028.

2. The District Registrar of Societies,
Central Chennai Royapettah,
Chennai-600 014.

3. Tamil Nadu Yadava Maha Sabai,
Rep. by its Self-declared President,
J.Ramachandran,
No.23/5a, Agraharam Sreet,
Chindadripet, Chennai-02.

4. J.Ramachandran

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the 1st and 2nd



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respondents to forthwith cancel the registration of Tamil Nadu Yadava Maha Sabai running against the bylaws and community interest having Registration No.135/2005 registered under the Societies Registration Act nullifying all resolutions passed from the year 2005 in exercising of powers contemplated under the provisions of the Tamil Nadu Societies Registration Act, 1975 or in the alternative in the interregnum suspending the functioning of the 3rd respondent, 'The Tamil Nadu Yadava Maha Sabai' taking into account the continued activities of fraud or embezzlement of the funds, non-submission of either Annual Report or the audited income & expenditures statement every year after the approval of the General body right from the year 2005 to up to date, the 4th respondent and his predecessor holding the office of the President contrary to the By-Laws of the Tamil Nadu Yadava Maha Sabai without facing election and restoring the further activities through new office bearers ordering for fresh election either through the 1st Respondent or through any authority or any retired Hon'ble Judges of this Hon'ble court identifying the true and fair members and at the same time without giving voting rights to any new and fraudulent members and giving voting right only to the genuine members.

For Petitioner : Ms.Swetha S.

For Respondents :
(for R1 & R2) : Mr.P.Sanjay Gandhi,
Government Advocate
(for R3) : Mr.P.Mohan Lal
(for R4) : No Appearance



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ORDER

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The relief sought in the present writ petition is to direct the respondents one and two forthwith to cancel the Registration No.135/2005 registered under the Societies Registration Act nullifying all resolutions passed from the year 2005 in exercising of powers contemplated under the provisions of the Tamil Nadu Societies Registration Act, 1975.

2.The petitioner states that he is the member of the third respondent Association registered under the provisions of the Tamil Nadu Societies Registration Act. The petitioner submitted a complaint, setting out serious allegations relating to financial irregularities and the conduct of Association in violation of the file and the provisions of the Tamil Nadu Societies Registration Act.

3.The complaint filed by the petitioner and another member were not properly adjudicated by the District Registrar, Central Chennai, who in turn passed an order on 15.12.2022, recording the fact that the society has not maintained proper accounts nor secured approval from the general body of the Association. The manner in which the findings are arrived by the District Registrar seems to be improper in view of the fact that the



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complaint is to be acted upon for initiation of the action. Contrarily, the

District Registrar unusually had made a finding that the third respondent is at liberty to correct the accounts and get the approval from the general body and file the same before the Registrar. The District Registrar, who is the authority is not empowered to advice the parties to rectify the illegalities. If at all, any irregularity or illegality are identified, then appropriate actions have to be initiated under the provisions of the statutes and rules in force. Thus, the findings made by the District Registrar is not in consonance to the established principles and it seems that he has acted in a biased manner in favour of the third respondent which cannot be appreciated.

4.The learned counsel for the petitioner states that the petitioner preferred an appeal before the Inspector General of Registration, dated 23.01.2023. Since the District Registrar has not adjudicated the issues in accordance with the provisions of the act and rules in force, the Inspector General of Registration is directed to call for the entire records and conduct an inquiry by affording opportunity to all the parties and thereafter, pass orders on merits and in accordance with the law within a period of eight (8) weeks from the date of receipt of a copy of this order.



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5. Accordingly, the writ petition stands disposed of . However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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