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W.P.Nos.8177 & 655 of 2022 & W.P.No.25088 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.Nos.8177 & 655 of 2022 & W.P.No.25088 of 2021 &
Connected W.M.Ps**

W.P.No.8177 of 2022

The Salem District Sarvodaya Sangh,
Rep. by its Secretary,
K.Arumugam,
Bharathipuram,
Thandavarayapuram,
Attur, Salem District - 636 108.

... Petitioner

VS.

- 1.The District Registrar of Societies,
Salem East,
Salem District.
- 2.The District,
Khadi and Village Industries Commission,
No.326, Avvai Shanmugam Road,
Gopalapuram, Chennai - 86.
- 3.The Manager,
Karur Vysya Bank,
Attur Branch,
Salem District.



4.P.Amutha

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records of the order passed by the first respondent in Na.Ka.No.5272/A2/20-21 dated 24.01.2022 quash the same and direct the first respondent to register form No.VI & VII submitted by the petitioner Sangh dated 29.11.2021.

For Petitioner	: Mr.M.S.Palanisamy
For Respondent 1	: Mr.R.U.Dinesh Rajkumar, Additional Government Pleader
For Respondent 2	: Mr.K.Prabakar
For Respondent 3	: Mr.A.Arun Babu
For Respondent 4	: Mr.C.Prakasam

W.P.No.655 of 2022

The Salem District Sarvodaya Sangh,
Rep. by its Secretary,
K.Arumugam,
Bharathipuram,
Thandavarayapuram,
Attur, Salem District - 636 108.

... Petitioner

VS.

1.The District Registrar of Societies,
Salem East,
Salem District.



2.The Superintendent of Police,
Salem District,
Salem.

3.The Deputy Superintendent of Police,
Attur Circle,
Salem District.

4.The Inspector of Police Town Police Station,
Attur Taluk,
Salem District.

5.P.Amutha

6.The Assistant Director,
Khadi and Village Industries Commission,
326, Avvai Shanmugam Road,
Gopalapuram, Chennai - 600 086
(R6 Suo Motu impleaded vide order
dated 02.02.2022 made in W.P.No.655
of 2022)

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents 1 to 4 to prevent the fifth respondent from interfering with the day to day administration of the Salem District Sarvodaya Sangh, Barathipuram, Thandavaryapuram Attur Taluk, Salem District by the petitioner's representation dated 01.12.2021 and 15.12.2021.

For Petitioner : Mr.M.S.Palanisamy

For Respondent 1 : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader



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For Respondents 2 to 4 : Mr.S.Udayakumar,
Government Advocate

For Respondent 5 : Mr.C.Prakasam

For Respondent 6 : Mr.M.Palanimuthu

W.P.No.25088 of 2021

P.Amutha

... Petitioner

VS.

- 1.The Chief Executive Officer,
Khadi and Village Industries Commission,
Vileparle, Mumbai West, Mumbai - 56.
- 2.The Director,
Khadi and Village Industries Commission,
326, Avvai Shanmugam Road,
Gopalapuram, Chennai - 600 086
- 3.The District Registrar of Societies (Admn.),
Salem (East), Opposite Ganesh College,
Udayapatti, Salem, Salem District.
- 4.The Superintendent of Police,
CBCID, Egmore, Chennai - 8.
- 5.The Salem District Sarvodaya Sangh,
Bharathipuram,
Thandavarayapuram,
Attur, Salem District - 636 108.



6.Mr.Arumugam,
Secretary,
Salem District Survodhaya Sangam,
Bharathipuram, Thandavarayapuram Post,
Attur - 636 108, Salem District

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the fifth respondent in his Ref.S.D.S.S./H.O./74/2021-22 dated 27.10.2021 and quash the same and consequently directing the respondents to reinstate the petitioner into service along with backwages, attendant benefits and other monetary benefits to the petitioner.

For Petitioner : Mr. C.Prakasam

For Respondents 1 & 2 : Mr.M.Palanimuthu

For Respondent 3 : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

For Respondent 4 : Mr.S.Udayakumar,
Government Advocate

For Respondents 5 & 6 : M.S.Palanisamy



COMMON ORDER

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The following writ petitions have been filed pertaining to the functioning of the Salem District Sarvodaya Sangh registered under the Societies Registration Act.

(a) W.P.No.655 of 2022 has been filed by the aforementioned Society represented by its Secretary K.Arumugam seeking for a direction to the respondents 1 to 4 in the said writ petition to prevent the fifth respondent from interfering with the day to day administration of the Society based on the petitioner's representations dated 01.12.2021 and 15.12.2021.

(b) W.P.No.8177 of 2022 has been filed by the very same Society challenging the impugned order dated 24.01.2022 passed by the first respondent in the said writ petition rejecting the Form VI and VII submitted by the said Society on 29.11.2021, under the Tamil Nadu Societies Registration Act.

(c) W.P.No.25088 of 2021 has been filed by P.Amudha challenging the impugned suspension order issued to her on 27.10.2021 by Salem District Sarvodaya Sangh, the above referred Society represented by its Secretary, K.Arumugam.



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2. Heard the learned counsels appearing for the respective parties.

3. As seen from the respective affidavits filed in support of the respective writ petitions, it is clear that only due to the internal disputes between the office bearers of the Salem District Sarvodaya Sangh, the aforementioned writ petitions have been filed.

4. Admittedly, even prior to the filing of these writ petitions, P.Amudha, the petitioner in W.P.No.25088 of 2021 has already filed O.S.No.129 of 2020 on the file of the District Munsif Court, Attur against the Secretary of the Salem District Sarvodaya Sangh who is the petitioner in W.P.No.8177 of 2022 and 655 of 2022 seeking for an injunction restraining him from interfering with the day to day management of the aforementioned Society. The said Civil Suit is still pending.

5. The rejection of Form VI and Form VII by the Registrar of Societies is a Ministerial action and therefore, if aggrieved by the same, a writ petition is not maintainable and only a Civil Suit will lie. Only due to the internal



disputes between the office bearers of the Society namely Salem District Sarvodaya Sangh, Form VI and Form VII was rejected by Registrar of Societies. Necessarily, for the effective adjudication of the disputes between the office bearers of the Society, parties will have to approach the Civil Court. Instead of doing so, writ petitions have been filed in W.P.No.655 of 2022, W.P.No.8177 of 2022 and W.P.No.25088 of 2021 which is not maintainable.

6. This Court while exercising powers under Article 226 of the Constitution of India cannot make a roving enquiry, when there are disputed questions of fact involved. Only a Civil Court with the help of oral and documentary evidence placed by the respective parties, can decide the subject matter of the dispute which has been raised in this writ petition.

7. The petitioner in W.P.No.25088 of 2021 namely P.Amudha has already filed a civil suit against the subject Society and its President. While that be so, this Court is of the considered view that only a Civil Court alone can decide the dispute between the various parties who are before this Court in these writ petitions.



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8. This Court is not go into the merits of the respective contentions in these writ petitions. It is for the Civil Court to decide the same, as and when any party approaches the same seeking for any redressal of their grievance.

9. In view of the above, these writ petitions are **disposed of** by directing the respective parties to approach the Civil Court to redress their respective grievances in the manner known to them under law. No costs. Consequently, connected miscellaneous petitions are closed.

06.01.2023

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



To

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Attur Circle,
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- 6.The Inspector of Police Town Police Station,
Attur Taluk,
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- 7.The Chief Executive Officer,
Khadi and Village Industries Commission,
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10. The Salem District Sarvodaya Sangh,
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ABDUL QUDDHOSE, J.

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06.01.2023