



WEB COPY

WP No.37508 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-04-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.37508 of 2015

And

MP Nos.1 and 2 of 2015

Mrs.Rebecca Prasadam

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Government of Tamil Nadu,
Chennai-4.
- 2.The District Registrar,
The Nilgiris District,
Ootacamund,
The Nilgiris District.
- 3.Coonoor Club Represented by its President,
Club Road,
Coonoor,
The Nilgiris District.



4. Coonoor Club Managing Committee
Represented by its President Mr. Vikram Devraj,
Coonoor Club,
Club Road,
Coonoor,
The Nilgiris District.

5. Chief Administrative Officer,
Coonoor Club,
Club Road,
Coonoor,
The Nilgiris District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to take over the administration of the third respondent-Club to conduct the election to the third respondent-Club and to handover the administration of the third respondent-Club to properly elected office bearers of the Club.

For Petitioner : Mr.A.Kannan

For Respondents-1 and 2: Mr.S.Ravichandran,
Additional Government Pleader.

For Respondents-3 and 4: No Appearance

For Respondent-5 : Mr.Bijesh Thomas for
M/s.K.F.Manowalan



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ORDER

The petitioner was a member of the third respondent-Coonoor Club, which is a Society registered under the Tamil Nadu Societies Registration Act.

2. The present writ petition has been filed to direct the second respondent to take over the administration of the third respondent-Club to conduct an election and hand over the administration to the third respondent-Club.

3. The third respondent-Club, which is a Society under the Statute, is bound to follow the provisions of the Tamil Nadu Societies Registration Act scrupulously. In the event of any failure or otherwise, the member of the third respondent-Club are entitled to submit a complaint before the Competent Authority under the Societies Registration Act. In the event of any such complaint, the District Registrar is bound to conduct an enquiry by following the procedures as contemplated under the Tamil Nadu



Societies Registration Act. However, in the present case, the writ petitioner seeks the relief to hand over the administration of the third respondent-Club to the second respondent. Such relief cannot be considered.

4. The cancellation of registration or taking over of administration must be done only after adjudicating the issues raised in the complaint and by following the procedures. Thus the petitioners or any other member if aggrieved from and out of the action of the third respondent-Club or their functioning is in violation of the provisions of the Tamil Nadu Societies Registration Act, they have to approach the second respondent to conduct an enquiry.

5. The Police Authorities and the Competent Authorities under the Tamil Nadu Societies Registration Act, are empowered to conduct an inspection into the affairs of the third respondent-Club and in the event of identifying any illegality or irregularity, they are bound to initiate all appropriate actions in the manner known to law.



6. With the abovesaid observations, the present writ petition stands disposed of. However, there shall be no order as to costs.

Consequently, the connected miscellaneous petitions are closed.

20-04-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1.The Inspector General of Registration,
Government of Tamil Nadu,
Chennai-4.

2.The District Registrar,
The Nilgiris District,
Ootacamund,
The Nilgiris District.



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S.M.SUBRAMANIAM, J.

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