



WEB COPY



W.P.No.9758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9758 of 2023 and
W.M.P.Nos.9843 and 9844 of 2023

1. ChampalalBafna
2. ShreegopalMaheshwari
3. BalachandBothra
4. MahaveerB.Jain
5. SitaramKankani
6. Inderchand Kothari
7. AshokA.Lunia
8. ShantilalKanted
9. Ashok Kumar B.Mehta
10. Kantilal Kothari
11. Gulabchand Mehta
12. GhisulalHinger

... Petitioners

Vs.

1. The Registrar of Societies,
Coimbatore.



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2. Mr.MadanlalBafna
The President,
M/s.Rajashthani Sangh,
579,D.B.Road,
R.S.Puram,
Coimbatore – 641 002.

3. Mr.Narendra Chowdhury,
Honorary Joint Secretary,
M/s.Rajasthani Sangh,
579, D.B.Road, R.S.Puram,
Coimbatore – 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to invoke the power vested with him under section 36 of the Societies Registration Act, with regard to issue relating expulsion of petitioners from the membership dated 20.02.2023 from Rajasthani Sangh, Registration Number 53/1972, by the third respondent by violating the principle of natural justice, Memorandum of association and rules and regulations and by laws as amended under the Tamil Nadu Societies Registration Act, 1975 and further direct the respondents to restore the membership of petitioners to Rajashnai Sangh.

For Petitioner : Mr.B.Raghavachari
Senior Counsel for A.Goutham

For Respondents : Mr.M.Alagu Goutham
Government Advocate

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to invoke the power vested with him under section



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36 of the Societies Registration Act, with regard to issue relating expulsion of petitioners from the membership dated 20.02.2023 from Rajasthani Sangh, Registration Number 53/1972, by the third respondent by violating the principle of natural justice, Memorandum of association and rules and regulations and by laws as amended under the Tamil Nadu Societies Registration Act, 1975 and further direct the respondents to restore the membership of petitioners to Rajasthani Sangh.

2. Since no adverse order is being passed against respondents 2 and 3 notice to respondents 2 and 3 is dispensed with.

3. It is the case of the petitioners that they are the past members of Rajasthani Sangh and the second respondent is the present president of the said Sangh. Since there was some dispute between the petitioners and the second respondent, the second respondent has terminated the past Presidents of the Sangh including the petitioners which is a gross violation of Rule 7[2] of the Rules and Regulations of Rajasthani Sangh. While so, the petitioners made a representation before the first respondent seeking to afford an opportunity of hearing to the peittioners through authorised representatives



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and pass appropriate orders with regard to expulsion of the petitioners and other members. Since the same was not considered the present writ petition has been filed.

4. Learned senior counsel appearing for the petitioners submitted that if any form is filed before the first respondent specifically form 7 of the Tamil Nadu Societies Registration Act, 1975, seeking removal of the past president and other members of the Sangh, no orders shall be passed without affording an opportunity of hearing to the petitioners through authorised representatives. Hence, this Court may direct the first respondent to afford an opportunity of hearing to the petitioners and pass appropriate orders.

5. Learned Government Advocate Appearing for the respondents has no objection for the said order being passed.

6. In view of the limited request sought for by the petitioners, this Court, directs the first respondent not to take any coercive steps with regard to expulsion of petitioners and other members from the membership dated 20.02.2023 from Rajasthani Sangh unless an opportunity of being heard is



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given to the petitioners and aggrieved persons if any and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

29.03.2023

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

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To

The Registrar of Societies,
Coimbatore.



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M.DHANDAPANI, J.

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