



W.P.No.11402 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11402 of 2020

and W.M.P.No.13917 of 2020

R.Kavitha

. . . Petitioner

Vs.

- 1.Secretary to Government,
Commercial Taxes Department,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai-600 009.
2. The Inspector General of Registration,
Sathome High Road,
Chennai.
3. The District Registrar of Society Registration,
Salem.
4. The Chief Educational Officer,
Salem.
5. BharathikalviNilayam
Represented by its Secretary
(Regn No.176/1988)
Gandhi Road,
Thammampatti Village,
Gangavalli Taluk,
Salem District.

. . . Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other writ or direction or order in the nature of writ directing the respondents 1 to 3 herein to appoint a liquidator with respect to Bharathi Kalvi Nilayam (Regn No.176/1988) Gandhi Road, Thammampattii Village, Gangavalli Taluk, Salem District, the 5th respondent herein as mandated under Section 40 of the Societies Registration Act 1975.

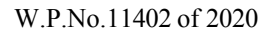
For petitioner : M/s.N.C.Ashok Kumar

For Respondents : Mr. V.Manoharan,
Additional Government Pleader for R1 to R4
: Mr.E.C.Ramesh for R5.

ORDER

This Writ Petition has been filed for a direction to respondents 1 to 3 to appoint a liquidator for the 5th respondent society as mandated under Section 40 of the Societies Registration Act 1975.

2. The petitioner is the member of the 5th respondent society which is running a school under the name and style of “Bharathi Metric Higher Secondary School” and also owns various immovable properties. It is the case of the petitioner that the name of the 5th respondent society has been



3. Though very many grounds have been raised, however, learned for the petitioner submits that it would suffice if this Court issues a to the 3rd respondent to consider the representation dated 20 made by the petitioner seeking to appoint an official liquidator respondent and pass orders within the time that may be stipulated court.



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4. Per Contra, learned Additional Government Pleader appearing for respondents 1 to 4 relying upon the Counter Affidavit filed on behalf of the 3rd respondent and submits that an inspection was conducted by the respondents in the 5th respondent society and found that the society has violated the provisions of the Act and appropriate action will be taken to issue notices to the society under Section 44(3) of the Act.

5. This Court heard the learned counsel appearing on either side.

6. Though the petitioner claims that the 5th respondent society has been struck off from the register of societies, however, it is the stand of the learned Additional Government Pleader that notices will be issued to the petitioners and the name of the 5th respondent has not been struck off from the register of societies as alleged by the petitioner. In view of the fair stand taken by the learned Additional Government Pleader, this Court without going into the merits of the case, directs the 3rd respondent to issue notice to the 5th respondent under Section 44 of the Tamil Nadu Societies Registration Act and upon receipt of the same, the petitioner is directed to give his explanation. Upon receipt of the explanation, the 3rd respondent shall



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conclude the proceedings after affording an opportunity of personal hearing to the petitioner as well as to the aggrieved parties if any within a period of twelve weeks from the date of explanation.

7. This Writ Petition stands disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions stands closed.

05.06.2023

Index : Yes / No
Internet : Yes / No

NHS



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M.DHANDAPANI, J

NHS

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