



W.P.No.31339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31339 of 2023

and

WMP.No.30965 of 2023

M.K.Ponnusamy

...

Petitioner

/vs/

1.The Inspector General of Registration,
Santhome High Road, Raja Annamalaipuram,
Chennai – 600 028.

2.The District Registrar (Administration)
Namakkal.

3.The Secretary,
Namakkal Kongu Nattu Vellalar Sangam,
Paramathi Road, Namakkal.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Na.Ka.No.7786/E/2022 dated 08.06.2023 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to cancel the registration of the Sangam which according to the petitioner is defunct for non-submission of the accounts for a continuous period of 15 years.



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For Petitioner	...	Mrs.G.V.Seethalakshmi for Mr.K.A.Mariappan
For Respondent Nos.1 & 2	...	Mr.Yogesh Kannadasan Special Government Pleader
For Respondent No.3	...	Mr.A.Tamilvanan

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings in Na.Ka.No.7786/E/2022 dated 08.06.2023 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to cancel the registration of the Sangam, which according to the petitioner is defunct for non-submission of the accounts for a continuous period of 15 years.

2.According to the petitioner, since the Society has not submitted the accounts for a continuous period of 15 years, the petitioner, who is a member of the Society, made a representation to the second respondent to cancel the registration of Sangam for non submission of the accounts for a



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continuous period of 15 years and the second respondent has not considered his representation and passed the impugned order, rejecting the claim of the petitioner on the ground that 1/3rd members of the Society has to be raised the issues and the petitioner alone cannot raise this issue and 1/3rd members of the Society has not made any application so far and further, stated that the petitioner has got an alternative remedy before the civil Court.

3.Despite sufficient opportunity having been given, the respondents have not filed their counter.

4.Though the petitioner is a member of the Society, he has not stated as to what are the steps taken for the past 15 years as stated by the second respondent. If the third respondent has violated any bye-laws regarding to add members or to remove the members, he has to approach only civil Court and not the Writ Court.



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WEB COPY 5. However, a reading of the impugned order and also the affidavit of the writ petitioner, this Court finds that the petitioner has not stated any reason as to why he had not taken any action for non submission of the accounts for the past 15 years continuously by the third respondent. Under these circumstances, this Court feels that the petitioner has not approached the Court for the right reason, however, the petitioner has got an alternative remedy. Therefore, this Court finds that there is no merit in the writ petition. Accordingly, the writ petition is dismissed, with a direction to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
speaking order: Yes/No
Neutral Citation: Yes/No
sms

24.11.2023

To

1. The Inspector General of Registration,
Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.



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2.The District Registrar (Administration)
Namakkal.

3.The Secretary,
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