



WEB COPY



W.P.No.5745 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5745 of 2020

E.Prem Kumar

... Petitioner

Vs.

1. The Registrar,
National Company Law Tribunal,
Chennai Bench,
Corporate Bhawan,
Rajaji Salai,
Chennai - 600 001.

2. The Church of South India Trust Association,
No.5, Whites Road, Royapettah,
Chennai - 600 014.

... Respondents

(R2 impleaded vide order dated 24.02.2021 made in
W.M.P.No.8761 of 2020 in W.P.No.5745 of 2020 by AQJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to consider and pass necessary orders on the petitioner's representations dated 18.03.2019, 11.05.2019 and 05.07.2019 within a stipulated time in accordance with law.



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For Petitioner : Mr.R.Sreedhar
For Respondents : Mr.Venkataswamy Babu
Senior Panel Counsel for R1
Mr.Sheela D.Rozario for R2

ORDER

This Writ Petition has been filed for a direction to the first respondent to consider and pass necessary orders on the petitioner's representations dated 18.03.2019, 11.05.2019 and 05.07.2019 within a stipulated time in accordance with law.

2. The case of the petitioner is that the petitioner alleges mismanagement in the second respondent Association which is a Non-profit Company incorporated under the Companies Act, 1913. Already, proceedings is pending before the National Company Law Tribunal (hereinafter referred to as 'NCLT'). That apart, this Court had appointed Administrator to manage the affairs of the second respondent. An appeal is filed before the NCLT, Delhi which is dismissed. The petitioner filed impleading petition before the NCLT which was also dismissed. The



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petitioner send representations dated 18.03.2019, 11.05.2019 and 05.07.2019 to various authorities and also to the first respondent herein seeking permission from the NCLT to manage the day-to-day affairs of the second respondent Association. Since the same has not been considered, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if this Court may issues a direction to the first respondent to consider the petitioner's representations dated 18.03.2019, 11.05.2019 and 05.07.2019 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. The learned Senior Panel Counsel appearing for the first respondent would submit that the representations will be considered after providing an opportunity of hearing to the petitioner as well as the second respondent.



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5. The learned counsel appearing for the second respondent would submit that opportunity may be given to the second respondent before considering the petitioner's representations.

6. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

7. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 05.07.2019, if not already considered and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order after providing an opportunity of hearing to the petitioner as well as the second respondent. The petitioner is directed to send the copy of the representation along with the order copy enabling the first respondent to consider and pass appropriate orders.



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8. With the above directions, this Writ Petition is disposed of. No

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costs.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

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