



W.P(MD)No.1275 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1275 of 2023

S.B.Raja

... Petitioner

Vs

The Secretary,
Government of Tamil Nadu,
Department of Registration,
Fort St.George, Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to conclude the enquiry and pass final orders on the petitioner's statutory application dated 19.08.2022 under Sec.34A of the Tamil Nadu Societies Registration Act, 1975 dated 19.08.2022 within the time stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.



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2.The petitioner is a member of a Society under the provisions of the Tamil Nadu Societies Registration Act, 1975. The petitioner has submitted an application for seeking appointment of Special Officer under Section 34(A) of the Act. Section 34-A of the Tamil Nadu Societies Registration Act, 1975 reads as under:

“34-A. Supersession of committee. – (1)(a) If, in the opinion of the Government,-

(i) the committee of any registered society is not functioning properly, or

(ii) the affairs of any registered society are mismanaged, or

(iii) the registered society’s activities are not in furtherance of the objects of the society, or

(iv) the committee of any registered society has contravened any of the provisions of this Act or the rules made thereunder, or wilfully disobeys or will fully fails to comply with any lawful order or direction issued under the provisions of this Act or the rules made thereunder,

the Government may, after giving the committee an opportunity of making its representations, by order in writing, supersede the committee and appoint a person (hereafter in this section and in section 34-B referred to as the special officer) to manage the affairs of the society for a specified period not exceeding one year:

Provided that nothing in this clause shall prevent the appointment of the same person as special officer for two or more registered societies.



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(b) The period specified in such order may, at the discretion of the Government, be extended, from time to time, provided that such order shall not remain in force for more than three years in the aggregate.

(2) The special officer appointed under sub-section (1) shall, subject to the control of the Registrar and to such directions as he may, from time to time, give, have power to exercise all or any of the functions of the committee and to take such action as may be required in the interest of the societies.

(3) The Registrar may fix the remuneration payable to the special officer appointed under sub section (1). The amount of remuneration so fixed and such other expenditure incidental to the management of the society during the period of supersession as may be approved by the Registrar shall be payable from the funds of the registered society.

(4) The special officer appointed under sub-section (1) shall arrange for the constitution of a new committee in accordance with the provisions of this Act and the rules made thereunder and the bylaws of the registered society so that the new committee may be constituted and the members thereof come into force at the expiry of the period of appointment of the special officer.

(5) Nothing contained in this section shall be deemed to affect the power of the Registrar to order the winding up of the society under section 40.

(6) An order under sub-section (1) shall take effect from the date specified therein.”

Obviously, the petitioner does not have numbers on his side. It is stated that law is meant to aid the weak against the strong. Since the petitioner thought he would lose the game on numbers he has chosen to invoke the legal process. In



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these circumstances, it is entirely for the respondent to take a call in the matter.

This Court will not be justified in issuing any direction as sought for by the writ petitioner. This Court will not even direct the respondent to pass order on the petitioner's application. That is a matter between the respondent and the writ petitioner. If the respondent wants to take action it is open to the respondent to do so.

3. With this observation, this writ petition is disposed of. There shall be no order as to costs.

24.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Secretary,
Government of Tamil Nadu,
Department of Registration,
Fort St. George, Chennai.



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G.R.SWAMINATHAN, J.

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