



W.P.(MD)No.1147 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1147 of 2023

and

W.M.P.(MD)No.1069 of 2023

- 1.C.Mani
- 2.S.Vijayakar
- 3.K.Alagusingam
- 4.R.Sekar
- 5.Vijaya Srinivasan
- 6.Dr.G.Chittibabu

... Petitioners

vs.

1.The Inspector General of Registration,  
Santhome High Road,  
Santhome, Mylapore, Chennai-600 028.

2.The Deputy Inspector General of Registration,  
Registration Department,  
Thirumohur Road, Y.Othakadai, Madurai – 625 107.

3.The District Collector,  
Madurai District, Madurai.

4.The District Registrar of Societies,  
Madurai North, Madurai.

5.The Commissioner of Police,  
Madurai City.



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6.The District Revenue Officer,  
District Collectorate Campus,  
Madurai.

7.The Revenue Divisional Officer,  
O/o. District Collectorate,  
Madurai.

8.The Tahsildar,  
O/o. District Collectorate,  
Madurai North, Madurai.

9.The Inspector of Police (L&O),  
Sellur Police Station, Madurai.

10.The Inspector of Police (Crime),  
Sellur Police Station, Madurai.

11.V.Solairaj

12.R.Selvarajan

13.Chellapparaja

14.R.Ravindranath

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first and third respondents to consider the petitioners' representation, dated 21.10.2021 and consequently, to direct the fourth respondent

i.to cancel the Certificate of Registration of Societies issued in the name of “Madurai Parsn Srishti Apartment Owners Association” issued by the third respondent by considering the provisions given under Section 9(i)(b) and 23(i) of the Tamil Nadu Societies Act, 1975;

ii.Permission to file the Society's annual compliances from the period 04.08.2019 considering the unavoidable circumstances stated:



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iii.to order for early completion of the pending enquiry by the eighth respondent so as to recover the misappropriated society fund of about 10 lakhs and to recover all our important society records pertaining to the period prior to 04.08.2019 from the respondents and 11 to 13 and few others unlawful members.

|                    |                                                       |
|--------------------|-------------------------------------------------------|
| For Petitioners    | :Mr.V.Muthumani                                       |
| For R1, R2 and R4  | :Mr.C.Satheesh<br>Government Advocate                 |
| For R3, R6 to R8   | :Mr.J.Ashok<br>Special Government Pleader             |
| For R5, R9 and R10 | :Mr.R.M.S.Sethu Raman<br>Additional Public Prosecutor |

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### **ORDER**

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the first and third respondents to consider the petitioners' representation, dated 21.10.2021 and consequently, to direct the fourth respondent

i.to cancel the Certificate of Registration of Societies issued in the name of “Madurai Parsn Srishti Apartment Owners Association” issued by the third respondent by considering the provisions given under Section 9(i)(b) and 23(i) of the Tamil Nadu Societies Act, 1975;

ii. To grant Permission to file the Society's annual compliances from the period 04.08.2019 considering the unavoidable circumstances



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stated; and

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iii.to order for early completion of the pending enquiry by the 8<sup>th</sup> respondent so as to recover the misappropriated society fund of about 10 lakhs and to recover all important society records pertaining to the period prior to 04.08.2019 from the respondents and 11 to 13 and few others unlawful members.

2.Heard Mr.V.Muthumani, learned Counsel for the petitioner, Mr.C.Satheesh, learned Government Advocate for R1, R2 and R4, Mr.J.Ashok, learned Special Government Pleader for R3, R6 to R8 and Mr.R.M.S.Sethu Raman, learned Additional Public Prosecutor for R5, R9 and R10.

3.The petitioners are members of a registered society called “Parsn Shristy Housing Welfare Society”. There is another society, which was registered under the name of “Madurai Parsn Shristy Apartment Owners Association” The petitioners' grievances then started. The petitioners were deeply aggrieved by the similarity in the name. The petitioners had also alleged that those who had registered the second Association, had



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misappropriated funds.

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4.In this connection, the petitioners had given a complaint to the Revenue Divisional Officer, District Registrar of Society and also to the District Collector, which was forwarded to the Inspector of Police (Crime), Sellur Police Station.

5.The complaint given to the Revenue Divisional Officer was closed on 04.05.2022 in Oo.Mu.No.4816/2021/C on the ground that W.P. (MD)No.21435 of 2021 was pending. As a matter of fact, that particular Writ Petition had been dismissed as early as on 20.12.2021. Therefore, the closure of the enquiry by the Revenue Divisional Officer is not correct. He is therefore directed to reopen the enquiry, issue notice to the petitioner and also to the Respondents 11-12 and proceed further in manner known to law and take a considered decision, which decision should be rendered on or before 31.08.2023.

6.With respect to the complaint given before the District Registrar of Societies, let the District Registrar of Societies examine the complaint



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given and the petitioner herein may give a fresh copy of the said complaint about the similarity in the name and the District Registrar may examine whether the names are similar and whether it would cause confusion and whether any further steps will have to be taken. It is to be noted that both the Societies had been registered. “Parsn Shristy Housing Welfare Society” has been registered with Reg.No.167/1992 and “Madurai Parsn Shristy Apartment Owners Association has been registered with Reg.No.113/2021. Let the District Registrar of Society issue notice to the petitioner and Respondents 11-13 and take a considered decision on its report. Such decision should be taken on or before 31.08.2023.

7. With the respect to the complaint forwarded to the Inspector of Police (Crime), Sellur Police Station, the petitioner may give a fresh complaint before the said Inspector of Police (Crime), Sellur Police Station, and if a cognizable offence is made out, let progress continue and after due enquiry, necessary orders may be passed on the basis of the complaint given by the petitioner. The jurisdiction is entirely with the Inspector of Police to offence is made out, to record that offence is made



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out and if offence is not made, to record that offence is not made out and pass necessary orders. Decision may be taken within a period of six weeks from the date on which a fresh complaint is given by the petitioner.

8.No further orders are required.

9.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

**23.03.2023**

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To  
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- 1.The Inspector General of Registration,  
Santhome High Road,  
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- 2.The Deputy Inspector General of Registration,  
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Thirumohur Road, Y.Othakadai, Madurai – 625 107.
- 3.The District Collector,  
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- 4.The District Registrar of Societies,  
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**C.V.KARTHIKEYAN, J.**

cmr

Order made in  
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