



W.P.(MD) No.7892 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7892 of 2021

and

W.M.P(MD) Nos.6024, 6025 and 15309 of 2021

S.Seeralan

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o.The Department of Registration,
No.100, Santhome High Road,
Chennai-18.

2.The Tamil Nadu Government
Employees Association (Regn No.237/84),
Represented by its General Secretary,
Comrade M.R.Appan Illam,
No.46 Car Street, Triplicane,
Chennai-600 005.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Order No.34262/11/2019 dated 02.03.2021 on the file of the first respondent and quash the same as illegal.



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For Petitioner : Mr.S.Rajasekar
For R1 : Mr.K.Sathya Singh
Standing Counsel
For R2 : Mr.L.Shaji Chellan

ORDER

The petitioner has moved this Court by filing the writ petition seeking issue of writ of certiorari calling for the records pertaining to the impugned order of the first respondent dated 02.03.2020 in order No. 34262/11/2019.

2.The ground on which the impugned order is sought to be challenged is that by reason of the impugned order, the first respondent had approved the action taken by the second respondent in dissolving the petitioner Virudhunagar District Committee after the second respondent had become defunct. It is the case of the petitioner that he is the Panchayat Secretary in Nandhikundu Panchayat, Kariyapatti Block, Virudhunagar District and also the Taluk Secretary of Tamilnadu



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Government Employees Association, Kariyapatti Taluk, Virudhunagar District. It is his case that the second respondent association is a registered association governed by its registered bye-laws. The association is run with the contributions and donations made by its members, which also includes the petitioner. This association has immovable properties situated in various places.

3. The petitioner would submit that one Anbarasu had been elected as State General Secretary only on 08.01.2017. As per the bye-laws, his term of office was to expire on 03.01.2019. Meanwhile on 06.01.2017, 07.01.2017 and 08.01.2017 the association had passed a resolution in the state conference held on these dates at Thiruvananthapuram to call for the statewide strike of Government employees for redressal of the various anomalies. The said Anbarasu was involved in the activities, which were against the welfare of the members of the association. He was, therefore, questioned by the office bearers of the Virudhunagar District about his activities, for which, he had given irrelevant and irresponsible replies. While so, the officer bearers of Virudhunagar District was in a shock,



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when they came to learn that the General Secretary by his resolution dated 04.08.2019, had dissolved the Virudhunagar District Committee, without notice to them. This District Committee consists of 12 Taluk committees functioning in Virudhunagar.

4. The General Secretary had failed to follow the procedures contemplated under Section 37 of the Tamil Nadu Societies Registration Act before dissolving the Virudhunagar District Committee. The dissolution was unilateral. The petitioner, as the office bearer, preferred an appeal on 08.08.2019 before the first respondent and the same is pending. Meanwhile, on 15.08.2019, certain persons who were no way connected with the affairs of the Virudungar District Committee, had entered into the premises and demanded the officer bearers to vacate the premises. A suit was therefore filed on the file of the District Munsif Court, Virudhunagar in O.S.No.120 of 2019 for an injunction restraining the defendants, their men and agents from in any way interfering with the peaceful possession and enjoyment of the property. Thereafter, on enquiry with the Registrar of the Society, the petitioner came to learn that



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the second respondent has been declared as defunct association under section 44(4) of the Act and the same was published in the Government gazette notification vide G.O.No.17 dated 07.05.2014. Therefore, the petitioner would submit that on the date of the resolution of the Vir dhunagar District Committee, the second respondent did not have the authority to dissolve the said District Committee. Therefore, the present writ petition.

5. The learned counsel for the respondents would admit that the second respondent has become defunct and publication has been effected in the Government Gazette and to date, it has not been revived.

6. Therefore, in the light of the above fact, the original order passed by the second respondent dissolving the Vir dhunagar District Committee is without jurisdiction and the first respondent without applying his mind has mechanically confirmed the order passed by the second respondent. Therefore, this Writ Petition is allowed and the impugned order dated 02.03.2021, passed by the first respondent dated 02.03.2020, in order No.34262/11/2019, is set aside. The first respondent is directed to dispose of the appeal filed by the second respondent, under Section 44(5)



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of the Tamil Nadu Societies Registration Act, 1975, within a period of one months from the date of receipt of a copy of this order. It is needless to state that once the appeal is disposed of in favour of the society, it is well open to them to take such steps as permissible under law. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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