



W.P.(MD)No.12578 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.12578 of 2023

K.Muruganantham

... Petitioner

Vs

- 1.The Secretary to the Government,
Department of Commercial tax and Registration,
St.George Fort, Chennai.
- 2.The Inspector General of Registration,
Santhome High Road,
Pattinapakam, Chennai.
- 3.Udumalai Nadar Uravin Murayar Sangam(Reg. No.17/84)
Door No.81, Sathasivam street,
Udamalpet, Tiruppur District,
represented by its Secretary.
- 4.Udumalai Nadar Uravin Murayar Sangam(Reg.No.17/84)
41, Periykadai Veethim
Palani, Dindigul District - 624601,
Represented by its President.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to appoint Special Officer to the society namely Udumalai Nadar Uravin Murayar Sangam (Reg.No.17/84) under Section 34A of the Tamil Nadu Societies Registration



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Act 1975 based upon the recommendations made by the District Registrar by his proceedings dated 06.05.2013 and based upon the petitioner's representation dated 10.04.2023 till the elections conducted by appointing an independent election commissioner by the 1st respondent.

For Petitioner : Mr.C.K.Latha

For R1 and R2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both sides, the writ petition is taken up for final hearing at the stage of admission itself.

2.The writ petition has been filed for a mandamus directing 1st respondent to appoint Special Officer to the society namely Udumalai Nadar Uravin Murayar Sangam (Reg.No.17/84) under Section 34A of the Tamil Nadu Societies Registration Act 1975 based upon the recommendations made by the District Registrar by his proceedings dated 06.05.2013 and based upon the petitioner's representation dated 10.04.2023 till the elections conducted by appointing an independent election commissioner by the 1st respondent.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to



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consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 10.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
RR



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M.S.RAMESH, J.

RR

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