



WP (MD) No.18978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.18978 of 2023

Saravanakumar

... Petitioner

Vs

1.The District Registrar of Societies,
Office of the District Registrar of Societies,
Dindigul District.

2.The President,
Pattiveeranpatti HNUP Society,
Door No.15, 15-38h, High School Road,
Pattiveeranpatti,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent to restraining the 2nd respondent from conducting any general body meeting to be held on 06.08.2023 for the purpose of correcting the society by-laws of Pattiveeranpatti Hindu Nadar Uravinmurai Paribalana Sangam at Door No.15-38H, High School Road, Pattiveeranpatti, Nilakottai, Dindigul District.



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WP (MD) No.18978 of 2023

For petitioner : Mr.C.Ezhilarasu
For Respondent : Ms.D.Farjana Ghousia,
No.1 Special Government Pleader
For Respondent : Mr.N.Dilip Kumar
No.2

ORDER

The petitioner a member of Pattiveeranpatti Hindu Nadar Uravin Murai Paripalana Society has submitted a representation to the District Registrar of Societies to cancel the resolution dated 27.01.2021, which was not considered by the respondents and therefore, he has filed this writ petition for a writ of mandamus directing the 1st respondent to restrain the 2nd respondent from conducting any general body meeting on 06.08.2023.

2.The learned counsel for the petitioner submits that the 2nd respondent is not an elected president of the society and he cannot convene general body meeting for the society. Two suits are pending as against the society before the District Munsif Court, Nilakottai and Athoor on



WP (MD) No.18978 of 2023

the affairs of the society. The learned Counsel further submits that without complying with the statutory requirements and without giving 21 days notice in advance the 2nd respondent is attempting to convene the general body meeting and intending to amend the by-laws.

3.Mr.N.Dilip Kumar, learned Counsel who takes notice for the respondent No.2 submits that the petitioner has already approached this Court in WP(MD)No.27659 of 2022 for a writ of mandamus directing the respondent Nos.1 to 4 to cancel the general body meeting and resolution dated 27.01.2021. The said writ petition was dismissed with liberty to the petitioner to approach the civil court. Another member has challenged the resolution of the general body meeting dated 27.01.2021 before the District Munsif, Nilakottai and it was dismissed, as against which no appeal was filed.

4.The petitioner herein has also filed a civil suit for the relief of permanent injunction as against the 2nd respondent not to correct the society by-law in OS.No.61



WP (MD) No.18978 of 2023

of 2023 and the same is pending before the District Munsif Court, Nilakottai. He has also filed another suit before the District Munsif, Athoor in OS.No.24 of 2023 to cancel an appointment of a Watchman made by the 2nd respondent. Both the suits are still pending. While so, the petitioner has filed this writ petition with an allegation that notice for the general body meeting was given before 18 days, whereas as per the by-law, 21 days notice is required to convene the general body meeting.

5.Though this Court has granted liberty to the petitioner to challenge the resolution dated 27.01.2021 before the civil Court, the petitioner has not filed any suit and the suit filed by a member of the society challenging the resolution dated 27.01.2021 appears to have been dismissed. The learned Counsel for the 2nd respondent claims that notice of 21 days was given for the meeting.

6.In view of this submission made on behalf of the 2nd respondent, this Court is not inclined to entertain the



WP (MD) No.18978 of 2023

writ petition. Accordingly, this writ petition is dismissed. The petitioner is at liberty to work out his remedy before the civil court. No costs.

04.08.2023

dsk

To

- 1.The District Registrar of Societies,
Office of the District Registrar of Societies,
Dindigul District.
- 2.The President,
Pattiveeranpatti HNUP Society,
Door No.15, 15-38h, High School Road,
Pattiveeranpatti,
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WP (MD) No.18978 of 2023

B.PUGALENDHI, J.

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WP (MD) No.18978 of 2023

04.08.2023