



WP(MD)No. 25501 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.25501 of 2023

and

WMP(MD)No.21678 of 2023

A.Sathanantham

... Petitioner

v.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex of Registration
Department,
St.Marks Street, Near Sankar Colony,
behind John Higher Secondary School,
Tirunelveli – 627 002.
- 3.District Registrar,
Integrated Registration Office Campus,
Near New Bus Stand, Polpettai,
Thoothukudi – 2.
- 4.Kayalpattanam-Arumuganeri Kalvi Sangam
Arumuganeri – 628 202
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order Na.ka.No.1595/A3/2022 dated



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27.06.2022 on the file of the third respondent and quash the same as illegal and unconstitutional and consequently direct the second respondent to consider the petition dated 21.01.2021 and inspect the statutory records of the fourth respondent after giving opportunity to the petitioner as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.S.Sathyaganesh

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader for R1 to R3

ORDER

Heard both sides.

2.The petitioner is a retired school Head Master. He complains that the affairs of the fourth respondent Sangam are not being properly conducted. According to him, there are several irregularities. The petitioner alleges that several ineligible persons are shown as members of the general body. He wants the third respondent to take action. The petitioner invokes Section 36 of the Tamil Nadu Societies Registration Act, 1975. Since the third respondent declined to take action and negatived the petitioner's request vide proceedings dated 27.06.2023. Challenging the same, this writ petition has been filed.



3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition. He relied on a decision of this Court reported in *CDJ 2008 MHC 2634*. He drew my attention to Para 27 and 28 of the said order. He called upon this Court to grant the relief sought for.

4.I am not persuaded by the submission of the learned counsel for the petitioner. As rightly pointed out by the learned Additional Government Pleader, under Section 36 of the Act, the Registrar has to take action if the majority of the members of the incumbent body or not less than 1/3rd of the members of the general body invoke registrar's jurisdiction. The Registrar is also having power to conduct enquiry on his own motion. But then, the Registrar cannot be compelled to conduct enquiry on his own motion. That is left to his discretion. Admittedly, the petitioner is not a member of the society. The Registrar rightly declined to take cognizance of the petitioner's complaint. The action of the third respondent cannot be faulted. If the petitioner becomes a member of the fourth respondent society or is able to mobilise numbers on his side, in that event, the petitioner can move the third respondent once again. I make it clear that the upholding of the order does not mean that the petitioner's allegations are false or incorrect.



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5. Granting liberty to the petitioner to work out his rights in the manner known to law, this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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G.R.SWAMINATHAN, J.

SKM

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