



W.P.No.5270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5270 of 2024

R.Ravichandran

... Petitioner

Vs.

- 1.The District Registrar
(In The Cadre Of Assistant Inspector General),
Central Chennai,
268, Bharathi Salai,
Royapettah, Chennai-600 014.
2. State Bank Of India Scheduled Caste/
Scheduled Tribes Employees' Welfare Association
(SC/ST/SEWA),
Rep. By Its President,
No.86, Rajaji Salai, Chennai-600 001.
3. The Executive Committee
State Bank of India SC/ST Employees'
Welfare Association (SC/ST/SEWA),
Rep. By Its President, No.86,
Rajaji Salai, Chennai-600 001.

... Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to conduct an enquiry as per Section 36 of the Tamil Nadu Societies Registration Act, 1975 and take appropriate action as per law including the cancellation of the registration of the 2nd respondent-Association, based on the petitioner's representation dated 30.10.2023, within a time frame fixed by this Honourable Court. .

For Petitioner : Ms.R.Gobika

For Respondents : Mr.L.S.Hasan Fizal, AGP (for R1)

: Mr.Balan Haridas (for R2 and R3)

ORDER

The writ of mandamus has been instituted to direct the first respondent to conduct an inquiry under Section 36 of Tamil Nadu Societies Registration Act, 1975, based on the complaint given by the petitioner against the 3rd respondent Association.

2. The petitioner claims to be the member of the second respondent Association which is a registered Society under the Tamil Nadu Societies Registration Act. The learned counsel for the petitioner would submit that a complaint was submitted raising certain allegations against the second



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respondent Society and irregularities are also brought to the notice of the first respondent. However, no action has been taken, thus, the present writ petition came to be instituted.

3. The learned Government Pleader, appearing on behalf of the first respondent and Mr.Balan Haridas, appearing on behalf of the second and third respondent, would oppose by stating that under Section 36 of the Tamil Nadu Societies Registration Act, majority of the members of the Committee of a registered Society has to make a complaint for the purpose of conducting an inquiry .

4. Section 36(1) of the Tamil Nadu Societies Registration Act, 1975, reads as under:

“The Registrar may, of his own motion or on the application of a majority of the members of the committee of a registered society or on the application of not less than one-third of the members of that registered society, or, if so moved by the District Collector, hold, or direct some person authorized by the Registrar by order in writing in this behalf to hold, an inquiry, into the constitution, working and financial condition of that registered society.”



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5. The above provision unambiguously stipulates that the Registrar may of his own motion, initiate inquiry proceedings. Therefore, an information to the Registrar would be sufficient to commence inquiry. The complaint given by a single member of the registered society can be treated as an information to the Registrar and considering the said complaint, the Registrar on his own motion may conduct an inquiry as contemplated under Section 36(1) of the Societies Registration Act. When the suo moto power has been conferred under the Act to the Registrar, mere information by any member or a non-member is sufficient for commencing the inquiry proceedings. In the present case, the petitioner, who is a member, submitted complaint and therefore, there is no impediment to conduct an inquiry under Section 36 of the Societies Registration Act.

6. Thus, the first respondent is directed to consider the complaint given by the petitioner, and if necessary, initiate inquiry proceedings and provide opportunity to all the parties and decide the issues on merits and in accordance with law, as expeditiously as possible.



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7. With these observations, the writ petition stands disposed of.

However, there shall be no order as to costs.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

(sha)

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