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W.P. No.11375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11375 of 2024

Thiru.P.Ponnurangan
President
Dharmapuri District Kongu Vellala Goundergal Sangam
(Regd No.33/89) (Struck Off)
Member Special Committee
S/o.Poonagounder
4/123, Nagamarathupallam
Naripalli Village
Harur Taluk
Dharmapuri District

... Petitioner

Vs

1.The Inspector General of Registration
Office of the Inspector General of Registration
Chennai - 600 028

2.The District Registrar (Administration)
Registrar of Societies
Dharmapuri District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to allow Dharmapuri District Kongu Vellala Goundergal Sangam represented by its



W.P. No.11375 of 2024

President or any other authorised member of the Society to transfer the property in Survey Numbers S.No.73/2A (50 Cents), S. No.73/3A1 (33 Cents), S. No.50/1B (1 Acre and 17 cents) totally 2 Acres in Mopiripatti Village, Harur Registration District, Dharmapuri District to and in favour of Dharmapuri district Kongu Velala Goundergal Welfare Association (Association of Persons).

For Petitioner : Mr.Vijay Narayan, Senior Counsel
for Mr.C.Vigneswaran

For Respondents : Mr.B.Vijay, Addl. Govt. Pleader
For R1 & R2

ORDER

This writ petition has been filed for a direction to the respondents to consider the resolution of the writ petitioner dated 19.02.2024.

2. The brief facts leading to the filing of the writ petition is that the petitioner Sangam was registered under the Societies Registration Act vide Registration No.33/1989. In order to achieve its objects, the Sangam purchased immovable properties for constructing a Kalyana Mandapam. However, the mandapam could not be constructed. In the meanwhile, the Society was struck off from the Register as per Section 44(4) of the Tamil Nadu Societies



W.P. No.11375 of 2024

Registration Act, 1975. The same was published in the Gazette on 02.02.2000.

Even after that the property purchased was in the hands of the society. The members of the Society formed a Trust called The Kongu Vellalar Goundergal Community Trust. Therefore, they passed a resolution to transfer the property in favour of the Trust. However, the same has not been accepted. Now, the Trust also formed an association of persons and they also passed a resolution on 19.02.2024 for transferring the immovable property for the association and the said resolution also communicated to the District Registrar on 20.02.2024. Hence seeks a direction.

3. Mr.Vijay Narayan, the learned senior counsel would submit that as per Section 42 of the Tamil Nadu Societies Registration Act, 1975, after satisfaction of all its debts and liabilities, any property of the society struck off, shall be given to some other registered society or to any association of persons having the same objects or objects similar to those of such registered society. In this regard, a resolution has already been passed. Therefore, such resolution has to be considered and orders have to be passed by the respondents.

4. Mr.B.Vijay, the learned Additional Government Pleader, who took notice on behalf of the respondents would submit that the second respondent



W.P. No.11375 of 2024

has to pass an order on merits by considering the resolution of the petitioner dated 19.02.2024.

5. In such view of the matter, the second respondent, namely the District Registrar (Administration), Registrar of Societies, Dharmapuri District, is directed to pass an order on the resolution dated 19.02.2024 in tune with Section 42 of the Tamil Nadu Societies Registration Act, 1975. Such order shall be passed within a period of two months from the date of receipt of a copy of this order. No costs.

6. With the above direction, the writ petition is disposed of. No costs.

24.06.2024

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration
Office of the Inspector General of Registration
Chennai - 600 028

2.The District Registrar (Administration)
Registrar of Societies
Dharmapuri District



W.P. No.11375 of 2024

3.The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.

Asr



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W.P. No.11375 of 2024

W.P.No.11375 of 2024

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