



W.P.No.23320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23320 of 2024

P.T.Rajan

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by its Secretary to Government,
Registration Department,
Fort St.George,
Chennai-600 009.
- 2.The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.
- 3.The District Registrar (Administration),
North Chennai (Registration District),
1st Floor, Kuralazham,
Chennai-600 106.
- 4.South Indian Sengundhar Mahajanasangam,
Rep.by its President and General Secretary,
No.58, Armenian Street,
Chennai-600 001.



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5.K.P.K.Selvaraj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to initiate criminal action against the fifth respondent and other office bearers of the fourth respondent Sangam by lodging a criminal complaint based on the enquiry report dated 15.02.2024 submitted by the third respondent within a reasonable time fixed by this Court.

For Petitioner	:	Mr.C.Mahendran
For R1 to R3	:	Mr.P.Harish Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 herein to initiate criminal action against the fifth respondent and other office bearers of the fourth respondent Sangam, by lodging a criminal complaint, based on the enquiry report dated 15.02.2024 submitted by the third respondent within a reasonable time fixed by this Court.



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2. The learned counsel appearing for the petitioner submits that the petitioner is a member of the fourth respondent Sangam and the fourth respondent Sangam and other office bearers have misappropriated the funds of Sangam and therefore, the petitioner has filed a writ petition before this Court in W.P.No.25872 of 2022 seeking for a direction to the second and third respondents herein to conduct enquiry into the affairs of the fourth respondent Society, wherein, this Court, vide order dated 13.10.2022, directed the third respondent to evaluate the substance of the complaint given by the petitioner against the Management of the Society and if the *prima facie* substances were available in the complaint, the third respondent was directed to conduct enquiry into the affairs of the Society under Section 36 of Tamil Nadu Societies Registration Act, 1975, pursuant to which, the third respondent conducted enquiry and issued a report dated 15.02.2024 on the ground that the fourth respondent Society has not been properly administered and there was financial misappropriation and addressed the report to the second respondent, however, there is no action taken against the respondents 4 and 5 and though the fourth respondent



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Society is found to be guilty of mal-administration, the fourth respondent is still continuing to manage the affairs of the Society. Hence, this Court may issue a direction to the second and third respondents to implement the report dated 15.02.2024, if there is no legal impediment.

3. The learned counsel appearing for the respondents 1 to 3 submits that the enquiry report dated 15.02.2024 issued by the third respondent will be implemented after providing an opportunity to the fourth and fifth respondent and appropriate orders will be passed.

4. In view of the submissions made by both sides, this Court directs the second and third respondents to implement the enquiry report dated 15.02.2024, if there is no legal impediment, after providing opportunity to the fourth and fifth respondents within a period of four weeks from the date of receipt of a copy of this order and pass appropriate orders within a period of two weeks thereafter.



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5. Accordingly, this Writ Petition is disposed of. There shall be no

order as to costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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M.DHANDAPANI, J.

ssb

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