



W.P.(MD)No.22754 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **24.10.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22754 of 2024
and
W.M.P(MD).No.19287 of 2024

P.A.Balan

... Petitioner

Vs.

- 1.The District Registrar,
O/oDistrict Registrar (Madurai South),
171, Palace Road, Madurai.
- 2.The District Supply and Consumer Protection
Officer,
Madurai Collectorate, Madurai.
- 3.The Superintendent of Police,
O/o District Police Office,
Madurai.
- 4.The Inspector of Police,
Checkanurani Police Station,
Madurai.

5.R.Karnan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the



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respondents 1 and 2 to take appropriate action against the fifth respondent for the act of misusing the petitioner's society name without any authority and consequently to restrain the fifth respondent from conducting any events under the name of the society based on the representations dated 26.08.2024, 30.08.2024 and 10.09.2024 within a time frame as stipulated by this Court.

For Petitioners : Mr.S.Ramanathan

For Respondents : Mr.P.Subbaraj (for R1& R2)
Special Government Pleader
Mr.B.Thanga Aravindh (for R3 &R4)
Government Advocate (Crl.side)
Mr.r.Velmurugan (for R5)

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus directing the respondents 1 and 2 to take appropriate action against the fifth respondent for the act of misusing the petitioner's society name without any authority and consequently, to restrain the fifth respondent from conducting any events under the name of the society based on the representations dated 26.08.2024, 30.08.2024 and 10.09.2024 within a time frame as stipulated by this Court.



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2. It is the case of the petitioner that he is the State President of the registered society, namely, Tamil Nadu Citizen Consumer Protection Centre, duly registered under Tamil Nadu Societies Registration Act, 1975. The fifth respondent, who was the Secretary at that juncture, started acting against the interests of the society. In this regard, a case in Crime No.171 of 2016 was registered against the fifth respondent. It is the contention of the petitioner that the fifth respondent has already filed a suit in O.S.No.39 of 2016 before the learned Principal and District Judge, Madurai, against the petitioner. The said suit has been dismissed, however, still the fifth respondent using the society name under the guise of conducting awareness programmes with an ill intention to swindle money and therefore, seeks direction.

3. The learned counsel appearing for the fifth respondent would submit that as against the judgment and decree of the civil Court, appeal has already been filed with delay petition, wherein notice was served to the respondent.



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4. At the outset, this Court is of the view that the dispute is with regard to holding the position in the society. As the parties have already approached the civil Court, let the subject matter be agitated before the civil Court. Hence, I do not find any merits in this petition. Accordingly, this Writ Petition is disposed of. On the issue that whether there is any misuse of power by any of the members, whether the accounts have been properly submitted, the District Registrar can also conduct investigation with the affairs of the society. If there is any misuse of power granted under the statute, the same has to be decided before the civil Court. On the basis of the outcome of the suit, the official respondent shall act. No costs. Consequently, connected Miscellaneous Petition is closed.

24.10.2024

Index : Yes / No

NCC : Yes / No

Rmk



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N.SATHISH KUMAR, J.

Rmk

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