



W.P.(MD).No.18503 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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Tiruchendur Parliamentary Constituency,
Adi Dravidar Welfare Association,
(Reg.No.65/2004)
Represented by its Secretary,
P.Jayakumar

...Petitioner

Vs

1.The District Registrar,
Tuticorin Registration District,
Tuticorin.

2.M.Ganesan

... 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 of the proceedings of the first respondent made in Na.Ka.No.1537/A3/216 dated 25.07.2016 and to quash the same and consequently direct the first respondent to pass order on merits by recognizing the petitioner Association as true association.



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For Petitioner : Mr.G.Rajaraman
For R-1 : Mr.S.P.Maharajan
Special Government Pleader
For R-2 : Mr.J.Karthikeyan

ORDER

Heard the learned counsels on either side.

2. The challenge in the writ petition is to the order passed by the first respondent directing the petitioner to approach the civil court in remedying his grievances.

3. The case of the petitioner is that the petitioner's Society was initially formed with 30 members, but due to certain difficulties, the returns were not filed with the first respondent. Taking advantage of this situation, the second respondent submitted returns in the name of the petitioner's Society. The petitioner lodged a complaint with the first respondent, who made some factual findings but ultimately directed the petitioner to approach the civil court and closed the complaint. The



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petitioner submits that the complaint should be kept pending until the civil suit determines the rights between the parties.

4. On the contrary, the learned counsel appearing for the second respondent would submit that a General Body Meeting was conducted on 12.08.2007 by the then President Pachimuthu on the request made by the members. One Rajendran and one Kanimuthu were elected unanimously declared as President and Secretary to the Association and the second respondent was also appointed as one of the office bearers of the Association. By the proceedings of the first respondent dated 02.09.2009, the office bearers including the second respondent were directed to produce all the documents relating to the petitioner Association. He would further submit that since the returns were not filed by the petitioner Association, it had become defunct and only the efforts taken by the second respondent and other office bearers appointed in the year 2007, the Society continued to carry out its obligation as per the bylaws and therefore he would submit that there is no error in the order passed by the first respondent.



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WEB COPY 5. I have considered the submissions made on either side and perused the materials available on record.

6. The first respondent, in its impugned order, directed the parties to establish their rights regarding the management of the petitioner's association. The first respondent framed issues based on the petitioner's complaint but ultimately found that the dispute between the petitioner and the second respondent fell beyond its jurisdiction. Consequently, the first respondent directed the parties to approach the civil court to remedy their grievances. Since the dispute between the petitioner and the second respondent is not an inter se dispute of the association, as the petitioner claims that the second respondent is a stranger, I do not find any infirmity in the impugned order. In view of this, it is only appropriate for the petitioner to approach the civil court to establish their rights.

7. Considering that the impugned order was passed in the year 2016 and this writ petition has been pending since then, the period of pendency of this writ petition shall be excluded when computing the



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limitation period if the petitioner approaches the appropriate civil court to remedy their grievances.

8. With the aforesaid liberty, this Writ Petition is disposed of.

There shall be no order as to costs.

16.12.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

The District Registrar,
Tuticorin Registration District,
Tuticorin.



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K.KUMARESH BABU, J.

Nsr

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