



W.P.(MD).No.26250 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.11.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.26250 of 2024**  
**and WMP(MD) No.22246 of 2024**

J.Jeyakumar Joseph

... Petitioner

Vs

1. The District Collector,  
Madurai District Collectorate,  
Madurai,  
Tamil Nadu - 625002.

2. The District Registrar (Registrar For Societies),  
Madurai North Registration District,  
Madurai North District Registrar Office,  
Rajakambeeram,  
Y.Othakadai, Madurai.

3. The Branch Manager,  
SIDCO Branch Office,  
Tamilnadu Small Industries Development Corporation Ltd,  
Sidco Industrial Estate,  
Kappalur,  
Madurai District.

4. S.Boopathy,  
The President of Differently Abled Welfare Society(Regn No.18/2015),  
84-A, Swamy Vivekanandar Nagar,  
Surveyor Colony, Madurai, Tamilnadu – 625 007.

... Respondents



**W.P.(MD).No.26250 of 2024**

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to do proper inspections and enquiry U/s 35 and 36 of the Tamilnadu Societies Registration Act on the 4<sup>th</sup> respondent's Differently Abled persons welfare Society, Madurai Accordingly remove the delinquent members from the above said society within in a stipulated time based on the petition given on 30.09.2024 by the petitioner to the 1<sup>st</sup> respondent.

For Petitioner : Mr. P.Murughadasan

For Respondents : Mr.SP.Maharajan (R1,R2)  
Special Government Pleader

### **ORDER**

The present writ petition has been filed seeking a direction to the 1<sup>st</sup> and 2<sup>nd</sup> respondents to do proper inspection and enquiry under Section 35 and 36 of the Tamil Nadu Societies Registration Act on the 4<sup>th</sup> respondent's Differently Abled Persons Welfare Society, Madurai and remove the delinquent members from the above said society, based on the petition given by the petitioner on 30.09.2024.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself and notice to R3 is dispensed with.



**W.P.(MD).No.26250 of 2024**

WEB COPY

3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).It is submitted by the learned counsel for the petitioner that a Society in the name of Madurai District Physically Handicapped Welfare Association was commenced in the year 1988 and the same was functioning for the welfare of differently abled persons residing in and around Madurai. The said Society had taken the responsibility of running Canteen in Kappalur SIDCO. The 4<sup>th</sup> respondent also associated with them.

(ii).Later, the said Society had become dormant, In the year 2015 the 4<sup>th</sup> respondent founded a new Society in the name of Differently Abled Welfare Society, Madurai. The petitioner and others, who were the members of the erstwhile Society became members of the new Society.

(iii).However, it is claimed by the petitioner that the dispute had arose due to the newly elected Secretary S.Gurunathan, who had requested the office bearers to submit necessary files pertaining to the new Society. The same



**W.P.(MD).No.26250 of 2024**

were not produced by the office bearers. The same has culminated into registration of Police complaint before K.Pudur Police Station by the new Secretary. The 4<sup>th</sup> respondent and his associates threatened the new Secretary and also lodged a false complaint against him.

(iv).In these circumstances, the petitioner had given a representation on 25.09.2024 to the first and second respondents, which was received by them on 27.09.2024, to take action against the 4<sup>th</sup> respondent. However, the same was not considered. Hence, this writ petition came to be filed.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.



**W.P.(MD).No.26250 of 2024**

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the second respondent to consider the representation of the petitioner and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**04.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
**PNM**



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W.P.(MD).No.26250 of 2024

**L.VICTORIA GOWRI, J.**

PNM

**ORDER IN  
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