



W.P.No.9960 of 2021
and W.M.P.No.9681 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2026

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THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.9960 of 2022
and W.M.P.No.9681 of 2022

N.Dharmaraj
S/o.(Late) S.N.Nath,
Camellia Mangavayal,
Puthurvayal Post,
Kalpetta, Wyanad,
Kerala – 673 121.

.. Petitioner

Vs.

1.The District Registrar,
Registrar of Societies Ootacamund,
Nilgiris – 643 001.

2.The United Planter's Association of
Southern India,
Rep by its President Glenview,
Coonoor, Nilgiris – 643 101.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 12.04.2022 and conduct detail enquiry and pass orders upon the same after affording opportunity of hearing to the petitioner and 2nd respondent within a time frame as fixed by this
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Court and till such time to direct the 2nd respondent from proceeding ahead with the proposed Special General Meeting.

For Petitioner : Mr.Samyayaraj
For Mr.Sarvabhauman Associates
For Respondent : MsK.Aswini Devi
Additional Government Pleader For R1
: Mr.M.Vijayan and
Ms.Bensi Kema
For M/s.King & Partridge For R2

ORDER

This writ petition has been filed seeking to direct the 1st respondent to consider the petitioner's representation dated 12.04.2022 and conduct detail enquiry and pass orders upon the same after affording opportunity of hearing to the petitioner and the 2nd respondent, within a time frame to be fixed by this Court and till such time to direct the 2nd respondent from proceeding ahead with the proposed Special General Meeting.

2.Learned counsel for the petitioner would submit that the petitioner has joined the 2nd respondent Association in the year 2000 and he was acted



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as Executive Committee Member for several years and thereafter, he had also acted as the Chairperson of the various ancillary units of the 2nd respondent and contributed for the welfare of the Association. While so, on 27.01.2022, the petitioner received a show cause notice from the 2nd respondent stating that they received a complaint that the petitioner has been acting against the interest of the 2nd respondent and called upon the petitioner to explain why the rights and privileges as member of the 2nd respondent shall not be suspended. In response, the petitioner gave a detailed reply on 10.03.2022 to the 2nd respondent. However, without considering the same, the 2nd respondent suspended the petitioner's right as member of the 2nd respondent. Therefore, the petitioner filed a complaint before the 1st respondent as against the suspension order passed by the 2nd respondent. Since no enquiry was conducted based on his complaint dated 12.04.2022, this writ petition has been filed.

3.Learned Additional Government Pleader appearing for the 1st respondent would submit that subsequent to the complaint made by the petitioner before the 1st respondent, the petitioner has been expelled from the 2nd respondent Association vide order dated 20.04.2022. Therefore, nothing

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survives in this writ petition. She would further submit that even if the petitioner is not expelled from the 2nd respondent Association, the 1st respondent cannot conduct an enquiry in this regard, as it is a private dispute between the petitioner and the 2nd respondent. Hence, he prayed for dismissal of the present writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the 1st respondent and perused the material available on record.

5. Considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the 1st respondent, it is evident that based on the complaint received against the petitioner, the 2nd respondent has called upon the petitioner to explain why the rights and privileges as member of the 2nd respondent shall not be suspended, through the show cause notice dated 27.01.2022 and thereafter, the petitioner was suspended vide order dated 29.03.2022. The petitioner herein filed a complaint before the 1st respondent against the suspension order dated 29.03.2022. However, subsequent to the filing of the

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said complaint, the petitioner was expelled from the 2nd respondent Association vide order dated 20.04.2022. According to the 1st respondent, they cannot conduct enquiry on the petitioner's complaint even when the petitioner is not expelled from the 2nd respondent Association since it is a private dispute between the petitioner and the 2nd respondent. Thus, the remedy available for the petitioner is to approach the Civil Court challenging the order dated 20.04.2022.

6.In view of the above, this writ petition stands dismissed by granting liberty to the petitioner to challenge the order dated 20.04.2022, expelling the petitioner from the 2nd respondent Association, in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

7.After passing the aforesaid order, at 1.30 P.M, the learned counsel for the petitioner appeared before this Court and would submit that they have filed the change of Vakalat and intend to file a Memo to that effect. When the matter was taken up in the morning, the learned counsel for the petitioner had sought for adjournment. Since the matter is pending from 2022, this Court had not granted time and upon hearing the arguments of

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either side had disposed of the Writ Petition on merits. The aforesaid fact was not informed by the learned counsel for the petitioner before this Court at the time of disposing of this Writ Petition. Therefore, this Court is not inclined to change the order already passed in the present Writ Petition. If the petitioner wants to review the order, it is open to the petitioner to file review petition.

03.03.2026

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Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order



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To:

The District Registrar,
Registrar of Societies Ootacamund,
Nilgiris – 643 001.



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KRISHNAN RAMASAMY, J.

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