



WEB COPY

WP No. 20142 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 20142 of 2022
and
WMP.No.19361 of 2022**

R.Jayakumar

..Petitioner(s)

Vs

1. The Registrar of Society,
Office of the Registrar of Society –
Chennai South,
Vadapalani, Kannappar Thidal,
Poongavanapuram, Chennai,
Tamil Nadu 600 003.
2. The Space Research Employees Association,
Rep. by its Secretary,
No. 20, Kamaraj Avenue St, Adayar,
Chennai – 600 020.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of mandamus, directing the 1st respondent herein to enquire into the petitioners complaint dated 20.07.2022 with regard to mismanagement of the 2nd respondent society, and misappropriation of its fund and take appropriate action and direct the 2nd respondent to conduct election for the post of the office bearers of the 2nd respondent society within a stipulated time and till such time forbear the 2nd respondent from allotting or alienating the 2nd respondent Society's housing Plot / land at "Vinveli Nagar", Chennai to any third party other than its members.



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For Petitioner(s):

Mr.P.R.Thiruneelakandan

For Respondent(s):

Mr.P.Harish

Government Advocate for R1

R2 – Not ready in notice

ORDER

This Writ Petition has been filed seeking issuance of writ of mandamus, directing the 1st respondent herein to enquire into the petitioner's complaint dated 20.07.2022 with regard to mismanagement of the 2nd respondent society, and misappropriation of its fund and take appropriate action and direct the 2nd respondent to conduct election for the post of the office bearers of the 2nd respondent society within a stipulated time and till such time forbear the 2nd respondent from allotting or alienating the 2nd respondent Society's housing Plot / land at "Vinveli Nagar", Chennai to any third party other than its members.

2. The learned counsel appearing for the petitioner would submit that though the complaint dated 20.07.2022 was made for conducting enquiry with regard to mismanagement of the 2nd respondent society, and misappropriation of its fund, no action has been taken so far. Hence, the present writ petition is filed.



3. The learned Government Advocate appearing for the 1st respondent would submit that the allegations made against the Society by the petitioner is with regard to mismanagement. In the event of mismanagement, if any complaint is made by 1/3rd of the total members of the Society, the same will be considered. In the present case, the petitioner alone made a representation and it would not constitute 1/3rd of its members therefore, the same cannot be considered.

4. Heard the learned counsel appearing for the petitioner as well as the respondent and perused the material available on record.

5. As rightly contended by the learned counsel for the 1st respondent, the petitioner made a complaint with regard to mismanagement and certainly, the said issue can be raised in terms of provision 36 of the Societies Registration Act before the 1st respondent, provided that if the 1/3rd of the total members of the Society has made a complaint, the same will be considered. In the present case, the petitioner alone made a complaint, which will not constitute 1/3rd of the members of the Society. Hence, a statutory power to make a complaint with regard to the allegation of misappropriation of funds in terms of provision of Section 36 of the Societies Registration Act is not available to the petitioner. However, the petitioner will not be stopped to adjudicate his grievance. Once it is held that he is not entitled to raise the issue before the 1st respondent, he can



raise the same before the civil Court.

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6. In such being the case, this Writ Petition is dismissed, granting liberty to the petitioner to approach the civil Court, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

09-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

1. The Registrar of Society,
Office of the Registrar of Society –
Chennai South,
Vadapalani, Kannappar Thidal, Poongavanapuram,
Chennai, Tamil Nadu 600 003.
2. The Secretary,
The Space Research Employees Association,
No. 20, Kamaraj Avenue St, Adayar,
Chennai – 600 020.



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KRISHNAN RAMASAMY, J.

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