WRIT PETITION No. OF 2015(M/S)

Venkatara aged abou S/o Late	esam Narasimhaiyer Venkataraman (B.N. aman)', at 67 years, B.S. Narasimhaiyer 233 Jankipuram
Sector F	226021 Petitioner Versus
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Lucknow 2015

(SHYAM MOHAN)
Advocate
Counsel for the Petitioner

In Re.: WRIT PETITION No. OF 2015(M/S)

Brahmadesam Narasimhaiyer Venkataraman (B.N. Venkataraman)', aged about 67 years, S/o Late B.S. Narasimhaiyer R/o D-1/233 Jankipuram Sector F Lucknow-226021

Petitioner

Versus

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DATES & LIST OF EVENTS

DATE PARTICULARS

- 22.7.1981 Muthamizh Sangam was registered on 22.7.1981 vide Registration No. 2160/1981-82 by the Registrar of Societies Registration Act.
- March 2010 Renewal of the registration of the Sanagm after a lapse of about 25 years for a period of five years from 22.7.2010 and also change of Registered office address to B-2133 Indra Nagar, Lucknow 226 016.
- Date of Annual General Meeting not known and new committee with present President has taken into effect. Minutes/records not available. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies.
- 16.3.2010 Date of registration of LDA allotted/purchased plot at Gomti Nagar of area 1671.12 sqm (18000 sq ft) and immediate sale thereon. Not reflected in Balance sheet as of 31.3.2010 in IT return filed in 2013. No revision filed until date. Opening balance 1.4.2010 Asset/Liability in F.Y. (2010-11) is taken as NIL
- Annual General Meeting for the year 2010-11 and continuation of same committee with the same President without any agenda for election and minutes/record not available. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies

- 18.8.2011 Date of registration of LDA allotted resale/repurchased plot at Aliganj of area 360.59 sqm (3881 sq ft) and Not reflected in Balance sheet as of 31.3.2012 in IT return filed in 2013. No revision filed until date.
- 14.2.2011 Date of registration of LDA allotted extra land resale/repurchased plot at Aliganj of area 13 sqm (140 sq ft) and Not reflected in Balance sheet as of 31.3.2012 in IT return filed in 2013. No revision filed until date.
- 2.4.2012 Complaint to respondent No. 2 on irregularities in convening Annual General Meeting for the year 2011-12 without any agenda nor annual report as of 31.3.2012
- 15.4.2012 Annual General Meeting for the year 2011-12 and continuation of same committee with the same President without any agenda for election and proper minutes not available. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies.
- 17.4.2012 Date of transaction of Rs. 238304 plus stamp duty Rs.21000 in connection with LDA allotted extra land resale/repurchased plot at Aliganj of area 13 sqm (140 sq ft) and Not reflected in Balance sheet as of 31.3.2013 in IT return filed in 2013. No revision filed until date.
- 21.3.2013 Complaint to respondent No. 2 on irregularities in convening Annual General Meeting for the year 2012-13 without proper agenda nor annual report as of 31.3.2013
- 7.4.2013 Annual General Meeting for the year 2012-13 and continuation of same committee with the same President without any agenda for election and proper minutes not available. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies.
- 27.7.2013 Complaint to respondent No. 2 on irregularities in proceedings of Annual General Meeting for the year 2012-13.
- June/July Filing of IT return Muthamizh Sangam (PAN: AACTM 7467 M) for financial year 2010-11 (AY 2011-12) by Secretary with the help of Chennai based CA Naresh & Company, CA member No. M No. 217549
- 18.6.2013 Filing of IT return Muthamizh Sangam (PAN: AACTM 7467 M) for financial year 2011-12 (AY 2012-13) by Secretary with the help of Chennai based CA Naresh & Company, CA member No. M No. 217549

- 18.8.2013 Filing of IT return Muthamizh Sangam (PAN: AACTM 7467 M) for financial year 2012-13 (AY 2013-14) by Secretary with the help of Chennai based CA Naresh & Company, CA member No. M No. 217549
- 9.10.2013 Hearing both parties by respondent No. 2 and after ascertaing the life member status of petitioner in the Sangam verbally asked us to come for another and final hearing on 31.10.2013.
- 10.10.2013 Rejoinder to respondent No. 2 by petitioner after going through copy of reply given by Secretary on 9.10.2013 even though, the reply copy was not fully legible.
- 31.10.2013 Hearing both parties by respondent No. 2 verbally asked the Sangam to submit audited accounts statements in two weeks time. That was not honoured by Secretary. No action taken by respondent No. 2 till date nor the complaint has been decided.
- 13.4.2014 Annual General Meeting for the year 2013-14 and continuation of same committee with the same President without any agenda for election and proper minutes not available. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies.
- 14.8.2014 Petitioner made supplementary complaint to Respondent No. 2 in continuation to the complaint dated 12/16.4.2014.
- 31.8.2014 Extra-ordinary General Meeting towards advances/loan from members. Minutes/annual report/list of Governing council not filed with office of Registrar of Societies.
- 16.3.2015 Again supplementary complaint filed by petitioner to Opposite party No. 2 but no action.
- 12.4.2015 Date of proposed AGM at 6 PM at Sangam premises.

Since all the complaint/supplementary complaint are still pending and no action taken for its disposal by respondent no. 2

Hence the present writ petition.

(SHYAM MOHAN)

Advocate Counsel for the Petitioner

Lucknow

2015

C. M. APPLICATION No. OF 2015
In Re.:
WRIT PETITION No. OF 2015(M/S)

Brahmadesam Narasimhaiyer Venkataraman (B.N. Venkataraman), aged about 67 years, S/o Late B.S. Narasimhaiyer R/o D-1/233 Jankipuram Sector F Lucknow-226021

..... Petitioner

Versus

- 01) Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001
- 02) Dy.Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001
- 03) Muthamizh Sangam Lucknow Present address: B-2133 Indira Nagar Lucknow-226016 Through its Secretary Dr. B Sekar

APPLICATION FOR INTERIM RELIEF

For the facts, reasons and circumstances stated in the accompanying writ petition, supported by an affidavit, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to direct the opposite party No. 1& 2 to consider the complaint/application made by the petitioner to opposite party

No. 2 dated 2.4.2012 and supplementary complaint dated 12/16.4.2014, 14.8.2014 and 16.3.2015 contained in Annexure No. 1 to 3 and take appropriate action as provided under section 22 and 24 of the Societies Registration Act against alleged office bearers who committed wrong within stipulate time as fixed by this Hon'ble Court and till disposal of the complaint direct to hold meeting of the Annual General Meeting scheduled on 12.4.2015 under the supervision of any nominated persons of the Registrar/Deputy Registrar or stay the A.G.M scheduled to be held on 12.4.2015.

Any such other order as deem fit and proper in the circumstances of the case may kindly also be passed.

(SHYAM MOHAN)

Lucknow 2015

Advocate
Counsel for the Petitioner

WRIT PETITION No. OF 2015 (M/S)

Brahmadesam Narasimhaiyer Venkataraman (B.N. Venkataraman)', aged about 67 years, S/o Late B.S. Narasimhaiyer R/o D-1/233 Jankipuram Sector F Lucknow-226021 Life Member of Muthamizh Sangam Lucknow Petitioner ••••• Versus 01) Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001 02) Dy.Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001 03) Muthamizh Sangam Lucknow Present address: B-2133 Indira Nagar Lucknow-226016 Through its Secretary Dr. B Sekar 04) Acharya Shri S G Swaminathan s/o Subramaniam Ganesan Present address: C-1059/7 Indira Nagar Lucknow-226016 President, Muthamizh Sangam Lucknow.Respondents

UNDER ARTICLE 226 OF THE

WRIT

PETITION

CONSTITUTION OF INDIA

The Hon'ble the Chief Justice and his companion Hon'ble Judges of the above mentioned Court sitting at Lucknow.

The humble petition of the petitioner most respectfully showeth:

1) That by means of the present writ petition, the petitioner is praying for appropriate direction to respondent no. 1 to consider and proceed on the complaint/application made by the petitioners dated 2.4.2012, 12/16.4.2014 and 16.3.2015 and supplementary complaint dated 14.8.2014. by which the petitioners prayed for taking appropriate action against financial irregularity committing by President/Secretary of the Society i.e responding No. 3 for misappropriating the property of the society as well as calling the Annual General Body Meeting without issuance of proper agenda to the members of society nor with circulation of Audited statements. A copy of the complaint dated 12/16.4.2014 and supplementary complaint dated, 14.8.2014 and 16.3.2015 made by the petitioner who is the life member of Muthamizh Sangam before the respondent no.2 for taking appropriate action are annexed herewith as **Annexure No. 1 to** <u>**3**</u> collectively.

The petitioner is also praying for mandamus commanding the respondent No. 1 & 2 to issue show cause notice why the society cannot be dissolved for contravening the provisions of Act under section 4 of Society Registration Act and for not following the due process as mentioned in the by-laws of the society i.e. giving 21 days notice along with the agenda and all other documents which sought to be considered in Annual General Meeting as provided under Clause 10 of byelaws/Memorandum of Association of the society.

- 2) That the petitioner state that he has not filed any writ petition against the aforesaid grievance before this Hon'ble Court either at Lucknow or at Allahabad and that this is his first writ petition.
- That the petitioner states that he has not received any caveat requiring her to serve copy of the petition to any counsel in the event of challenge to the present cause of action.

- 4) That Muthamizh Sangam Lucknow, B-10, Sector 'A' Mahanagar was registered on 22.7.1981 vide Registration No.2160/1981-82 by the Registrar of the Society under Societies Registration Act and the terms of the society has already been renewed on in 22.7.2010 for five years on the documents submitted by the Secretary of the society and the renewal of the registration certificate has been issued. A copy of the bye-laws of the society is being annexed herewith as **Annexure No. 4.** It is stated that the petitioner is life members of the Society since year 1997.
- 5) That the last election of the Governing Council was puported to be held for the year 2010-11, however as per the knowledge of the petitioner, the newly elected committee/Governing Council list under the presidentship of respondent No. 4 has not been filed with the registrar of Society till date since the last 4-5 years.
- There had been AGM in 2010, AGM in 2011, AGM on 15.4.2012, AGM on 7.4.2013, AGM on 13.4.2014 and an extraordinary General meeting on 31.8.2014 and so far none of these minutes of General meeting nor any statements of accounts neither circulated nor filed with registrar of Society though required to be filed as such contravening section 4 of the Societies Registration Act.
- 7) All along through the above mentioned AGMs, since 2012, complaints had been filed with Deputy Registrar of Societies, Lucknow and the Dy Registrar put both the parties for hearing on 9.10.2013 and verbally asked us to come for further hearing on 31-10-2013. The Deputy Registrar, after hearing on 9.10.2013, wherein the secretary had given written reply for previous complaints and the letter was handed over to the petitioner. The secretary's reply on 9.10.2013 were full of misleading information and as far as accounts figures concerned, the secretary had mentioned 'tallied' and the petitioner on 10.10.2013 itself made rejoinder to the Deputy Registrar, and mentioned para by para how the secretary was befooling the society, Dy. Registrar, and also income tax authorities. The Deputy Registrar is sitting tight after the due

hearing on 31.10.2013 only with some verbal instruction to the society to file proper statement of accounts by the Sangam in next two weeks and there is absolutely no order/communication from the respondent No. 1 or No. 2.

A copy of the Notice dated 26.9.2013 is being annexed herewith as **Annexure No. 5.**

Secretary of the society filed reply of the complaint to the opposite party No. against which petitioner filed Rejoinder on 10.10.2013 Copy of the reply of the Society and Rejoinder to that filed by petitioner is being annexed as **Annexure No. 6** and 7

- 8) That the byelaws of the society was framed as Memorandum of Association of Muthamizh Sangam, Lucknow and the name of the Muthamizh Sangam Lucknow and in clause 4 the Aims, Objectives and Functions of the society is to
 - a) To promote and publicise the culture of Tamil language as obtained in its three different aspects namely, Iyal, Isai and Natakam. To promote and help promote the attempts to spread the Tamil in Language in the city of Lucknow.
 - b) To bring the people interested in Tamil language living in Lucknow together and to provide them a homogeneous atmosphere for developing their culture.
 - c) To identify the areas of likeness in the cultures of Tamil Nadu and U.P. And develop them further to help National Integration.
 - d) To develop the Tamilian culture among the public through entertainment activities.
 - e) To undertake such activities which are corollary to the above and furthering the image of the Sangam among the citizens of Lucknow.
 - f) To acquire, hire, lease land /buildings for the purpose of constructing auditorium/hall wherein the above activities can be conducted.
- 9) That Clause 5(c) provides the members to abide by bye-laws as
 On an applicant being admitted to membership he will be
 deemed to have agreed to abide by and be subject to the

articles, rules, regulations, bye-laws and standing orders of the Sangam in force for the time being from time to time.

and needless to say this clause applies to President and Secretary also as they are also elected among the members.

10) That Clause 9 provides three types of members namely patrons who as per clause 5(i) who had rendered outstanding services to Tamil Language, culture or the Sangam, shall be enlisted as patrons, Life Members who will pay Rs. 150/subscription/contribution shall be enlisted as life member, person who pay an annual subscription of Rs. 15/- shall be enlisted as ordinary member and Clause 13 provides that: An individual who is either a life member or an ordinary member shall have one vote at the General Body and other meetings of the Sangam, Clause 15 provides Management and Administration i.e. Executive Committee of the General Body of the Sangam for day to day management and administration of the Sangam, out of the General Body of the Sangam and will comprise not more than fifteen persons in its Annual General Meeting and clause 19 provides that the committee shall hold office until the conclusion of the next annual general meeting after which it shall be succeeded by a new committee constituted in the manner provided in article 10 and 15.

11) That Clause 10 provides for General Meeting that

- i. There shall be Annual General Meeting of the Sangam held every year at such place, date and time as may be fixed up by the committee of which not less than twenty-one day's notice shall be given for transacting the following business:
- ii. To receive the report of the committee and the statement of accounts of the Sangam duly audited for the previousyear and to adopt the same
- iii. To appoint the auditors of the Sangam for the ensuing year and to fix their remuneration.
- iv. To select the members and office bearers of the committee; and
- v. To transact any other business.

b) Extra-Ordinary General Meeting

Extra-ordinary General Meetings of the Sangam my be convened by the Committee of its own accord or on a requisition made in writing by not less than 25 members or one-fifth of the members entitled to vote at the General meeting whichever number may be less. On receipt of such a requisition the President shall cause a meeting to be convened within two months of the receipt of the requisition at such place, date and time as he may fix. At least twenty-one days notice shall be given for such a meeting and no other business shall be transacted at such meeting except stated in the notice.

12) That Muthamizh Sangam Lucknow under the signature of President and or Secretary, had managed a loan from CANFIN homes ltd by submitting resolution/s as purported to have been resolved in a General meeting possibly under clause 4 (g) of bye-laws and there was no Annual General Meeting nor Extra-ordinary general meeting of date 21 days before which the resolutions ought have to been circulated to all members and adoped by three-fifth of the members present. There is no supporting minutes of any meeting before or after the loan commencement date December 2013. President/secretary indulge in fraudulent means to get a institution/bank loan by mortgaging the properties of the society.

Canfin homes limited's statement of mortgage loan at 14% interest rate as of 31st March 2014 has been annexed as **Annexure No. 8.**

- 13) That clause 28 provides the proceeding of the meeting as The Secretary under the directions of the President would arrange the business of the meetings of the committee. and clause 29 provides as, the minutes of the meetings shall be circulated amongst the committee members and signed by the President as confirmed at a subsequent meeting of the committee.
- 14) That clause 31 to 35 provides the Power and Duties of the Executive Committee i.e. the control all income and expenditure of the Sangam and to utilize the funds of the Sangam for the furtherance of the aims and objects of the Sangam, preserve, maintain, manage and develop property of

all kinds that has been or may be acquired by the Sangam by purchase, lease or otherwise, for such duties as may be prescribed.

- 15) That clause 31 provides duties of the office bearers in which President shall be the executive head of the Sangam but may delegate his powers in accordance with rules made in that behalf by the committee. He shall preside and control the business of all the General or Committee meetings of the Sangam.
- 16) That in gross violation of above cited bye-laws, the proceedings of meetings not recorded, nor drafted properly, no delibration had ever been recorded, not circulated among committee members, nor circulated among members at least once in a year, by the Secretary and President.

The photocopies of pages of minutes book since 12.2.2006 to 5.4.2014 is annexed to this petition as Annexure No. 9

17) That clause 22 provides that The committee shall meet as often and at such places and at such dates and times as the President may deem advisable, provided that the President shall convene a meeting of the committee if required to do so by at least four members of the committee. It is, also provided that two months' time will not lapse between two consecutive meetings. Also that the clause 25 provides for Seven days notice shall be given to the members for a meeting of the committee. But in an emergency, a meeting may at the discretion of the President, or in his absence of the Vice President be called by a notice of less than seven days.

The committee had met just for about 6-7 meetings in span of 5 years from 2010 to 2014, not adhering to the norm of lapse of less than 2 months between the meetings.

18) That since meeting of Annual General Body is being called for last about 4-5 years without providing agenda or proper agenda and without providing any documents which were required to be considered in the Annual General Meeting to the Members of the Sangam as such the provisions of By-laws continuously being violated by the President/Secretary of the Society and

reason behind that was that the members of the Sangam may not come to know about the transactions made by the President and Secretary of the society, sale and purchase of the land of the Sangam or from the Sangam, no audit inspection made, the audit not being made every year after close of the year and the audited accounts made by the auditor and anomalies, is not being placed in the Annual General Meeting for discussion which is generally being conducted by the 2nd week of April along with Tamil New Year celebrations.

- 19) That the petitioner who being the life member of the society and complaining about the bungling made with the collusion of the President (or concerned vice-president for banking operations), Secretary and Treasurer by usurping funds of the Sangam without taking cognizance of the Executive Committee of the Sangam as well as member of the society and not placing same in the ordinary meeting of the Executive Committee and also not placing in the annual general body meeting. So the petitioner made complaint since the date 2.4.2012 with latest 12/16.4.2014 with supplementary by 14.8.2014 and 16.3.2015 to the respondent No. 1 / respondent No.2 pointing out the irregularities officially, financially and otherwise being committed by the President/Secretary of the Sangam in violation of the various provisions of the by-laws of the Sangam as well as the provisions of the Societies Registration Act but the opposite party No. 2 sitting tide over the matter and till date the decision has not been taken on the complaint.
- 20) That in the said complaint the petitioner pointed out to the Registrar of Society that the President or Secretary is signing even in a single minutes of meeting as per records in the minutes books of the Sangam, minutes of many meeting left blank, for 5 years since 2010-11, the minutes were not properly drafted nor signed by the President nor Secretary, under Chairmanship of Acharya Shri S.G. Swaminathan not a single meeting had the agenda of ratifying the minutes of previous meeting, there are errors, omissions on the part of President/ Secretary under Chairmanship of Acharya Shri S.G. Swaminathan amount to embezzlement of funds, in the years 2010-11 and continuing all along without nobody in the general body coming forward to exercise one's right to access the records of the Sangam. It was also pointed out that Annual

General Meeting in which elected President for the first time is not available on record and no Annual Report has been prepared either by the President/Secretary of the society which should be placed in the annual general meeting, no member of the Sangam has ever bothered to inspect the minutes of book or how it is being maintained.

- 21) In the reply to the complaint of petitioner given on 27.7.2013 by the respondent No. 3, in which stated in para 8 that way back in 1982 a sum of Rs. 3.15 lacs was deposited with LDA Lucknow for a plot of land for Muthamizh Sangam, in spite of constant follow up, LDA could allot land only in 2010 for a sum of Rs. 7,34,160/- (1671.12 sq m) for which we have to get an advance of Rs. 5 lacs from our patron Mr. Keshav Gurnani. At the time of applying we had active membership of 150 families. As many members have left Lucknow, present membership was limited to 60 scattered in different parts of Lucknow, the plot was too big for us to maintain as we had only around Rs. 1 lac as FD, even maintaining was not possible. Plot was sold for 82 lacs and a resale plot of LDA was purchased for 45 lacs with a registration expense of 4 lacs at B-62, Sector E Aliganj. Plot had a small piece of un-costed land by LDA which was costed for Rs. 3 lacs (shown in 2011-12 accounts) and stamp for Rs. 40,000/- (a total of Rs. 60,100 including legal fees already reflected 2012-13 account) and registration carried out. Rest of the money has been utilized for LDA plan approval/electricity connection and water connection and for construction of hall for meeting and conducting functions by members. Above facts has been reflected in FY 2010-2011 and 2011-2012 income expense statements. Work was stopped as there was no funds left and Secretary has already advanced a sum of Rs. 4 lacs to honour prior commitment of inaguration by Shri Lalji Tandon on 7th April and New Year Function from 12-147 April 2013.
- 22) That in reply respondent No. 3 did not say about the complaint of the petitioner as it had never been discussed/deliberated in any committee meeting nor any General body meeting. It has to be construed as secretary's personal reply.
 - a) The balance sheet attached to IT return of 2010-11 (AY 2011-12) had a nil opening balance and

the above contradicts that nil balance theory with 'Way back in 1982 a sum of Rs. 3.15 lacs was deposited with LDA Lucknow for a plot of land for Muthamizh Sangam'.

- Subsequently if gives another information that 'in spite of constant follow up, LDA could allot land only in 2010 for a sum of Rs. 7,34,160/-(1671.12 sq m) for which we have to get an advance of Rs. 5 lacs from our patron Mr. Keshav Gurnani'. The secretary has hidden the facts when Shri Kesav Gurnani was enrolled and decided in which committee (as such there is none) as patron and which meeting of General body approved. What contribution he had made to tamil culture as enlisted in our bye-laws. In fact Shri Keshav Gurnani is a businessman and had interest in real estate business and had organized the sale deed of the Sangam to the party of his interest. Secondly even this transaction which has taken place in the year 2009-2010 had never reflected in statements filed with Income Tax department, leave alone the timely filing. The secretary had not divulged this fact of real estate transactions to the General body of the Samithi, in any annual report nor by any circulation to committee members or members of general body.
- c) Accounts statement of income expenses of 2011-12, (AY-2012-13) IT return the total income is Rs. 1,89,794 only out of which bank interest is 1,84,794. Also in 2012-13 (AY 2013-14) the total income was only 2,12,014 and there is no mention of the huge figures of 82 lacs sale deed nor the other capital expense figures of 45 lacs etc as claimed in 'Plot was sold for 82 lacs and a resale plot of LDA was purchased for 45 lacs with a registration expense of 4 lacs at B-62, Sector E Aliganj. Plot had a small piece of un-costed land by LDA which was costed for Rs. 3 lacs (shown in 2011-12 accounts) and stamp for Rs. 40,000/- (a total of Rs. 60,100 including legal fees already reflected 2012-13 account) and registration

carried out'. Neither these point are reported in any Annual report nor in any other paper for circulation to general body till date.

- That the Registrar of society is sitting tight over the matter and not taking any action so far on the complaint/application made by the petitioner on 12/16.4.2014 and 14.8.2014 and now supplementary complaint dated 16.3.2015 where under section 24 of the Societies Registration Act once an information received under section 22 or otherwise have power to investigate and inspect or investigate into the affairs of the society and call the record of the society as such the Registrar/Deputy Registrar is not discharging the function which is provided under statute.
- 24) That Section 4 of the Societies Registration Act, Annual list of managing body to be filed;

Once in every year, on or before the fourteenth day succeeding the day on which, according to the rules of the society, the annual general meeting of the societies is held, or, if its rules do not provide for an annual general meeting, in the months of January, list shall be filed with the Registrar of Joint Stock Companies, of the names, addresses and occupations of the governors, council, director, committee, or other governing body then entrusted with the management of the affairs of the society.

25) That Section 12 of the Societies Registration Act, Societies enabled to alter, extend or abridge their purposes whenever it shall appear to the governing body of any society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose to or for other purposes within the meaning of this Act, or to amalgamate such society either wholly or partially with any other society, such governing body may submit the proposition to the members of the society in a written or printed report, and may convene a special meeting for the consideration thereof according to the regulations of the society.

- 26) That Section 22 and 24 of the Societies Registration Act empowers the Registrar or the person nominated by him on receiving complaint/information right inspection/investigation into the affairs of the society and call the society to produce the books of accounts and other records and examine on other members of the employer or society, under sub-section 3-A have also right to seize all the records including account books of the society and the Registrar after receiving the investigation report may direct for removal any defect and also took procedure under section 12-A for cancellation of the registration as well as under section 13-D for dissolution of the society. Even then the Registrar/Deputy Registrar of the Society sitting tight over the matter after receiving the complaint filed by the petitioners pointed out the irregularities committed by the President/Secretary of the Society and till date Registrar/ Deputy Registrar has not taken cognizance on complaint/application of the petitioner.
- 27) That under section 23 Audit -(1) Where the Registrar is of opinion that it is necessary or depedient so to do, he may, by written order, require any society to furnish its accounts or a copy of statement receipts and expenditure for any particular year duly audited by Chartered Accountant: provided that the Registrar, the request at permit it to have such accounts and statements audited by any other person approved by him. and (2) if the society fails to furnish the documents referred to in sub-section (1) within the period specified in the order or with such extended period as the Registrar may from time to time allow, the Registrar may cause the accounts of such society audited for the said year and may recover the cost of such audit from that society, in spite of complaints on accounts books for the years 2010-11, 2011-12, and 2012-13 stating that the opening balance of Asset/Liability 2010-11 was taken as NIL, with anomaly of bank interest in 2010-11 as Rs. 1,07,681 on a NIL investment and nil income for the year 2010-11 other than the said Rs. 1.07 lac said interest, concealing sale proceed of real estate to the tune of 83 lacs such as Rs. 8292052.00 etc, no action except some verbal instruction on 31.10.2013 to the society to submit revised statements for study of the team of auditors of

- his office in two weeks time, which was not honoured by the society and the registrar as such is sitting tight on the issue.
- 28) That as of 31.3.2010, the society had submitted list of assets with the society to the Registrar of societies while getting the renewal of registration done after a lapse of some 25 years and also that massive 18000 sq feet (1671.12 sq m) plot at Gomti Nagar was registered on 16.3.2010 before the said date of 31.3.2010 and certainly unjustifies the society information to Income Tax with nil opening balance of Asset/reserve to be NIL. Also that the closing balance of assets as of 31.3.2011 is only a bank balance of Rs. 87,051/- and within a matter of single night the opening balance of 1.4.2011 furnished to Income Tax was Rs. 82,92,052.00. That way the President/Secretary is deceiving not only Income tax concealing the sale deed, but also the general body of the society and even amount of Rs. 82 Lacs recovering on selling the property has not been accounted in the balance sheet of financial year 2010-11 or income expenses which has been pointed and in the complaint to opposite party No. 2 but the Opposite party No. 2 is not disposing of the complaint as such the action of opposite party No.2 is arbitrary and malafide though duty cast upon him under the Act.
- 29) That the statutory provisions obligate upon Registrar/Deputy Registrar on receiving the complaint to make investigation and for that take appropriate action calling the records of the society as well as looking the records could take appropriate action under section12-A as well as section 13-B of the Societies Registration Act which they are not following and sitting tight over the matter even after receiving complaint made by the petitioner informing illegality and irregularities committed continuously as well as contravention of the by-laws as well as the contravention of the provisions of the Act.
- 30) That without applying provisions of the by-laws which requires 14 days notice along with the agenda as provided under by-laws of the society namely clause 13 and 14 as well as section 4 of the Societies Registration Act and without circulating agenda to the members of the society the meeting has been fixed on 12.4.2015 of Annual General Meeting in violation of the aforesaid provisions as such the so called

meeting deserves to be stayed in the interest of justice, though the petitioner then made supplementary complaint to opposite party No. 2 on 16.3.2015 mentioning that o agenda circulated nor any notice rather e-mail showing that meeting for Annual General Body is fixed on 12.6.2015.

That feeling aggrieved and having no other alternative and efficacious remedy, the petitioner begs to prefer the instant writ petition in terms of Article 226 of the Constitution of India, on the following, amongst other, grounds:

GROUNDS

- A) Because since meeting of Annual General Body is being called for last about 4-5 years without providing agenda or proper agenda and without providing any documents which were required to be considered in the Annual General Meeting to the Members of the Sangam as such provisions of By-laws continuously being violated by the President/Secretary of the Society and reason behind that was that the members of the Sangam may not come to know about the transactions made by the President and Secretary of the society, sale and purchase of the land of the Sangam or from the Sangam, no audit inspection made, the audit not being made every year after close of the year and the audited accounts made by the auditor and anomalies, is not being placed in the Annual General Meeting for discussion which is generally being conducted by the 2nd week of April along with Tamil New Year celebrations.
- B) Because the petitioner who being the life member of the society and complaining about the bungling made with the collusion of the President (or concerned vice-president for banking operations), Secretary and Treasurer by usurping funds of the Sangam without taking cognizance of the Executive Committee of the Sangam as well as member of the society and not placing same in the ordinary meeting of the Executive Committee and also not placing in the annual general body meeting. So the petitioner made complaint since the date 2.4.2012 with latest dated 12/16.4.2014 with supplementary by 14.8.2014 and 16.3.2015 to the

- respondent No. 1 / respondent No.2 pointing out the irregularities officially, financially and otherwise being committed by the President/Secretary of the Sangam in violation of the various provisions of the by-laws of the Sangam as well as the provisions of the Societies Registration Act but the opposite party No. 2 sitting tide over the matter and till date the decision has not been taken on the complaint.
- C) Because the Registrar of society is sitting tight over the matter and not taking any action so far on the complaint/application made by the petitioner on 12/16.4.2014 and 14.8.2014 and now supplementary complaint dated 16.3.2015 where under section 24 of the Societies Registration Act once an information received under section 22 or otherwise have power to investigate and inspect or investigate into the affairs of the society and call the record of the society as such the Registrar/Deputy Registrar is not discharging the function which is provided under statute.
- D) Because Section 22 and 24 of the Societies Registration Act empowers the Registrar or the person nominated by him receiving complaint/information on for right inspection/investigation into the affairs of the society and call the society to produce the books of accounts and other records and examine on other members of the employer or society, under sub-section 3-A have also right to seize all the records including account books of the society and the Registrar after receiving the investigation report may direct for removal any defect and also took procedure under section 12-A for cancellation of the registration as well as under section 13-D for dissolution of the society. Even then the Registrar/Deputy Registrar of the Society sitting tight over the matter after receiving the complaint filed by the petitioners pointed out the irregularities committed by the President/Secretary of the Society and till date Registrar/ cognizance Deputy Registrar has not taken complaint/application of the petitioner.
- E) Because as of 31.3.2010, the society had submitted list of assets with the society to the Registrar of societies while

getting the renewal of registration done after a lapse of some 25 years and also that massive 18000 sq feet (1671.12 sq m) plot at Gomti Nagar was registered on 16.3.2010 before the said date of 31.3.2010 and certainly unjustifies the society information to Income Tax with nil opening balance of Asset/reserve to be NIL. Also that the closing balance of assets as of 31.3.2011 is only a bank balance of Rs. 87,051/- and within a matter of single night the opening balance of 1.4.2011 furnished to Income Tax was Rs. 82,92,052.00. That way the President/Secretary is deceiving not only Income tax concealing the sale deed, but also the general body of the society and even amount of Rs. 82 Lacs recovering on selling the property has not been accounted in the balance sheet of financial year 2010-11 or income expenses which has been pointed and in the complaint to opposite party No. 2 but the Opposite party No. 2 is not disposing of the complaint as such the action of opposite party No.2 is arbitrary and malafide though duty cast upon him under the Act.

- F) Because the statutory provisions obligate upon Registrar/Deputy Registrar on receiving the complaint to make investigation and for that take appropriate action calling the records of the society as well as looking the records could take appropriate action under section12-A as well as section 13-B of the Societies Registration Act which they are not following and sitting tight over the matter even after receiving complaint made by the petitioner informing illegality and irregularities committed continuously as well as contravention of the by-laws as well as the contravention of the provisions of the Act.
- G) Because without applying provisions of the by-laws which requires 14 days notice along with the agenda as provided under by-laws of the society namely clause 13 and 14 as well as section 4 of the Societies Registration Act and without circulating agenda to the members of the society the meeting has been fixed on 12.4.2015 of Annual General Meeting in violation of the aforesaid provisions as such the so called meeting deserves to be stayed in the interest of justice, though the petitioner then made supplementary complaint to opposite party No. 2 on 16.3.2015 mentioning

that o agenda circulated nor any notice rather e-mail showing that meeting for Annual General Body is fixed on 12.6.2015.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to :-

- i) issue a writ, order or direction or writ in the nature of mandamus commanding the respondent no. 1 and 2 to consider and proceed on the complaint made by the petitioner dated 2.4.2012 and supplementary complaint dated 12.16.4.2014, 14.8.2014, 14.8.2014 and 16.3.2015 contained in Annexure 1 to 3 by exercising power provided under section 22 and 24 of the Societies Registration Act within time as fixed by this Hon'ble Court expeditiously and till consideration of the complaint the Annual General Body meeting be directed to be held under the supervision of the nominated member of the respondent no 1 or the meeting of Annual General Body be postponed.
- ii) issue any other appropriate writ, order or direction in favour of the petitioner as the Hon'ble Court may deem fit in the circumstances of the case.

and

iv) award the costs of the petition to the petitioner.

(SHYAM MOHAN)

Lucknow 2015

Advocate Counsel for the Petitioner

WRIT PETITION No. OF 2015(M/S)

Brahmadesam Narasimhaiyer Venkataraman (B.N. Venkataraman), aged about 67 years, S/o Late B.S. Narasimhaiyer R/o D-1/233 Jankipuram Sector F Lucknow-226021

...... Petitioner

Versus

- 01) Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001
- 02) Dy.Registrar, Firms, Society and Chits, Vikas Deep Building, Station Road, Lucknow-226001
- 03) Muthamizh Sangam Lucknow Present address: B-2133 Indira Nagar Lucknow-226016 Through its Secretary Dr. B Sekar
- 04) Acharya Shri S G Swaminathan s/o Subramaniam Ganesan Present address: C-1059/7 Indira Nagar Lucknow-226016 President, Muthamizh Sangam Lucknow.

......Respondents

AFFIDAVIT

I, Brahmadesam Narasimhaiyer Venkataraman (B.N. Venkataraman)', aged about 67 years, S/o Late B.S. Narasimhaiyer, Religion: Hindu, Qualification – B.E.(Electrical & Electronics), Occupation – Retired, R/o D-1/233 Jankipuram, Sector F, Lucknow-226021 the deponent, do hereby solemnly affirm and state on oath as under:-

1)	That the deponent is petitioner himself in the above-noted writ petition, as such, is well conversant with the facts and circumstances of the case deposed hereunder.
2)	That the contents of paragraph 1 to
3)	That the annexure nos.1 to filed with the writ petition are true copies of their originals and the same have been compared by me personally.
Lu	cknow DEPONENT 2015
	VERIFICATION
	I, the above-named deponent, do hereby verify that the
cor	ntents of paragraph 1 to of this affidavit are true and
	rect to the best of my knowledge and belief. No part of it is se and nothing material has been concealed, so help me God.
Lan	cknow
	DEPONENT 2015
	I identify the deponent, who has signed in my presence.
	CLERK
	Solemnly affirmed and verified on 2015 at
a.n	n./p.m. by Shri, the deponent, who is
	ntified by Shri, Clerk of,
	vocate, High Court, Lucknow Bench, Lucknow.
	I have satisfied myself by examining the deponent that she
un	derstands contents of this affidavit, which are read over and
	plained to her by me personally.

OATH COMMISSIONER



Item No. 1 in omissions of list of members of Muthamizh Sangam Lucknow, Shri R Ramani IAS, and former Cheif Secretary of U P, and one of our past president and whose name is still appearing as President in the latest list of Governing Council is very much in Lucknow and he is comfortably **omitted by the Secretary** in correspondence whereas Serial No. 28 Shri MSK Rao is in Hyderabad and Serial No. 56 of list of members of Muthamizh Sangam Lucknow, Shri M Subramaniam of Thiruvidai marudur, Tamil Nadu are invited for our new Year Celebrations and AGM.

The list email ids of members of Muthamizh Sangam Lucknow, is annexed as **Annexure No. 6.**

LIST OF MUTHAMIZH SANGAM

EMAIL IDS

- 1. A Palanivel apalanivel@gmail.com>,
- "akshay.dwarakanath@iitr.res.in"
 <akshay.dwarakanath@iitr.res.in>,
- 3. amritha21 < amritha21@yahoo.com >,
- 4. bala krishnan <bala.krishnan@hcl.com>,
- 5. Bala krishnan < balakrris@gmail.com >,
- 6. balasubramanian sekar <muthamizhsangamlko@gmail.com>
- 7. bhavani iswaran <<u>bavaninbri@yahoo.co.in</u>>,
- 8. damadaran horticulture < damhort2002@yahoo.com >,
- 9. Dandapani N < n.dandapani@gmail.com >,
- 10. ganpathy kesoram < ganpathy.kesoram@timesgroup.com >,
- 11. Gnanamani Ravikumar < gmani.ravi@gmail.com >,
- 12. gopal krishna <gopal.krishna@sbi.co.in>,
- 13. gopal sbi <<u>jay_vighnesh@yahoo.com</u>>,
- 14. govindarajan nbri <govind108@yahoo.com>,
- 15. Gunasegaran s <guna19542003@yahoo.co.uk>,
- 16. "J. Venkatesh Pratap" < <u>jvpratap@cdri.res.in</u>>,
- 17. k vijay <kvijay@gail.co.in>,
- 19. kali das <<u>kalidassasi@yahoo.com</u>>,
- 20. Karthik Ramalingam < karthikramalingam86@gmail.com >,
- 21. Kesoraam G <raamganesh1@gmail.com>,
- 22. kr ganapathy < krg5393@gmail.com >,
- 23. Kumaravelu < kumaravelu_in@yahoo.com>,
- 24. lak_radha1809@rediffmail.com,
- 25. m siva <sk1557@gmail.com>,
- 26. madrasipanditji lko <<u>madrasipanditji@yahoo.co.in</u>>,

- 27. Magesh Waran < mag.bacillus@gmail.com >,
- 28. mandurai rao <<u>raomsk@gmail.com</u>>, **in

 Hyderabad
- 29. "mania607@gmail.com" < mania607@gmail.com > ,
- 30. Muruganantham Mariappan < <u>murugaa.csir@gmail.com</u>>,
- 31. "MV.Subramanian@nic.co.in" < MV.Subramanian@nic.co.in>,
- 32. n dandapani < n.dandapani@adityabirla.com >,
- 33. n manickam < nmanickam@rediffmail.com >,
- 34. nagarajan < nagarajan60@gmail.com >,
- 35. "navodayamkalleti@ymail.com" < navodayamkalleti@ymail.com>,
- 36. Pickup Kannan <<u>gaurikann@gmail.com</u>>,
- 37. pr santosh < <u>prsantosh@gmail.com</u>>,
- 38. R Venkataraman <<u>rv_9671@hotmail.com</u>>,
- 39. raghupathi vb <<u>raguvbank@gmail.com</u>>,
- 40. rajesh subramanian <subramanian_vrajesh@rediffmail.com>,
- 41. Rama chandran < chituchandran@rediffmail.com >,
- 42. Ravi kumar < dr.ravikumar@gmail.com >,
- 43. ravi shankar <ravi_anitha@yahoo.com>,
- 44. Ravisankar M < <u>ravisankar29@gmail.com</u>>,
- 45. s p <<u>sparameswaran.2010@gmail.com</u>>,
- 46. s venkatramanan < <u>vechaban@gmail.com</u>>,
- 47. sampath IIml < sampath@iiml.ac.in >,
- 48. saravanan kumar <<u>saravanan.kumar.vsk@gmail.com</u>>,
- 49. "satheeshiyar@gmail.com" < satheeshiyar@gmail.com >,
- 50. senduran nit < senduran.nit@gmail.com >,
- 51. sethil siva <<u>senthil.siva25@gmail.com</u>>,
- 52. sindham tamil < <u>sindham@yahoo.com</u>>,
- 53. srinivasan hal

 shama.srini@gmail.com>,

- 54. subramanian sbi <<u>s.kozimuttam@gmail.com</u>>,
- 55. sv kumar <<u>s.v.kumar@sbi.co.in</u>>,
- 56. tdr subramanian < tdr.msubramanian@gmail.com >, **in
 Tamil Nadu
- 57. thangaraman v < thangaraman@gmail.com >,
- 58. V SANKAR < <u>vsankar1957@rediffmail.com</u>>,
- 59. "vachani_rajamani@rediffmail.com" < vachani_rajamani@rediffmail.com>,
- 60. venkatesan punch < <u>venkatesan@yahoo.com</u>>,
- 61. vijay kumar < herbalvijay@yahoo.co.in>,
- 62. violin badri < violin.badri@gmail.com >,
- 63. yamuna mohanram <yamunamram@gmail.com>,
- 64. v vs <<u>vvs_lucknow@rediffmail.com</u>>,
- 65. v vs <<u>vvs_lucknow@yahoo.com</u>>

erroneous or defunct email ids

- 1. n vr <<u>nvr@godrej.com</u>>,
- 2. rama rajan < ramarajan.get09@gmail.com >,
- 3. "p.krishnan" < p.krishna@tatamotors.com >,
- 4. vv sub <<u>vv_smanian@rediffmail.com</u>>,
- 5. govindarajan s <govind108@yahoo.co.in>,
- 6. ramesh kumar <rameshkumar05@yahoo.co.in>

EXECUTIVE COMMITTEE sri AYYAPPA sewa samithi (regd)

MEMBERS

EMAIL IDS

- 1. <u>anil.nair@timesgroup.com</u>, ** defunct email id as retired from TOI
- 2. B Sekar < sekar_b2001@yahoo.co.in >,
- 3. "Ganapathy.Kesoram@timesgroup.com"
 <ganapathy.kesoram@timesgroup.com>,
- 4. K P Ravindran < ravindran96@gmail.com >,
- 5. "K.Vaidyanathan" < k.vaidyanathan@rediffmail.com >,
- 6. N Sukumaran < nsukumaran 1948@gmail.com >,
- 7. Omana Kuttan < kuttan.aditya1963@gmail.com>,
- 8. S Vijaykumar <sbisvijay@gmail.com>,
- 9. SubramaniyanGanesan Swaminathan madrasipanditji@gmail.com,
- 10. venkat b n < bnvenkataraman@gmail.com >,
- 11. VV Subramanian <v.v.subramanian1948@gmail.com>

PROMINENT OMISSIONS in MUTHAMIZHSANGAM Lko

1. R Ramani IAS < rramani1950@gmail.com>, *** PAST

PRESIDENT OF MUTHAMIZHSANGAM, residing in Lucknow.

COMPLAINT FOR MUTHAMIZHSANGAM Lko

Item No. 1 above in omissions Shri R Ramani IAS, and former Cheif Secretary of U P, is very much in Lucknow and he is coolly omitted by the Secretary where as Serial No. 28 Shri MSK Rao is in Hyderabad and Serial No. 56, Shri M Subramaniam of Thiruvidai marudur, Tamil Nadu are invited for our new Year Celebrations and AGM.