



WMP(MD) NO. 21172 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-10-2025

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THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

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WMP(MD) NO. 21172 of 2025

S.Thomas Walker,
S/o.Samuel, South Street, Karisalpatti, Cheranmadevi,
Tirunelveli - 627 414.

Petitioner(s)

Vs

1. Tirunelveli CMS Evangelical Church
Society, Idayankulam H.O, Reg.No.2/1925-1926, New No. Cherai
4/1982, Rep. by its Secretary S.V.Joseph Thangiah, Nanguneri Taluk,
Tirunelveli District.

2. The Inspector General of Registration
(Registration and Societies), Santhom Church Road, Chennai - 600028.

3. The District Registrar (Administration)
Registration Department, Cheranmadevi, Tirunelveli District.

4. T. Sam Razal,
S/o.Thomas Thangadurai, Door No.5/54, Kovaikulam Post,
Maruthakulam - 627 151, Tirunelveli District.

Respondents

For Petitioner(s): Mr.G.Prabhu Rajadurai for Mr.S.Selva Aditya

For Respondent(s): Mr.D.Gandhiraj, Special Government Pleader for R2 & R3

Mr.Isaac Mohanlal, Senior Counsel
for Mr.K.Ragatheesh Kumar for R1

Prayer: To pass an order of direction to appoint Administrator/Independent Election Officer to conduct election to the Tirunelveli CMS Evangelical Church Society as per registered by-law to conduct election for the triennium November 2025 to November 2028 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.



ORDER



Heard both sides.

2.Tirunelveli CMS Evangelical Church Society, Idayankulam H.O rep.by its

Secretary, S.V.Joseph Thangiah filed WP(MD)No.30601 of 2023. The writ petition was allowed by me vide order dated 31.07.2024. Paragraphs 10 to 16 of the said order read as follows :

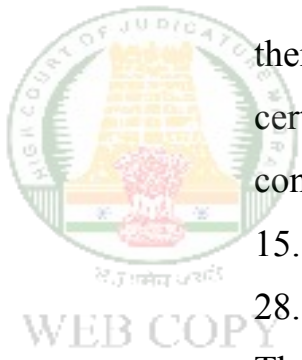
“10. A copy of the bylaws has been enclosed in the typed set of papers. Bylaw No.4 is as follows:-

“ rq;fj;jpd; Njh;jy; fkp\d; epakdk;:

rq;f Njh;jy; fkp\d; jiyth; khNd[pq; fkpl;bapd; gb epakpf;fg;gLNthh; ,jd; nkhj;j cWg;gpdh;fs; gh];l;bNul;Lf;F xUth; tPjk; 5 Ngh; Mf nkhj;jk; 6 Ngh; mlq;fpa FOthFk;. ,jd; MAs; 4 Mz;LfshFk;.”

11. As per the bylaw, the elected office bearers must nominate one person as election officer for a period of four years. The election officer who was nominated will conduct the next election either at the end of three years or earlier depending upon the exigency. It is beyond dispute that after the executive committee for triennium 2019-22 was elected, Thiru.A.Selvin was appointed as election officer for a period of four years commencing from 16.11.2019. He was to hold the office till 15.11.2023. It was he who was mandated by the bylaws to conduct the election for the next triennium. The proceedings whereby Thiru.A.Selvin was appointed as election officer was filed with the District Registrar and it was also taken on file on 29.06.2021.

12. Thiru.A.Selvin commenced the election process in October 2022 itself. He obtained the list of members of the Society as per Form-VI registered with the second respondent. A copy of the list obtained by the election officer has been enclosed in the typed set of papers. It is seen



therefrom that the application was submitted on 03.10.2022 and certified copy of the list of members was issued on 12.10.2022. This contains 264 members. The election officer issued notification on 15.10.2022. The nominations were to be filed 24.10.2022. Scrutiny was on 28.10.2022. The election was held on 07.11.2022. Thiru.S.V.Joseph Thangiah was elected as Secretary in the election conducted by Thiru.A.Selvin. Form-VII submitted by Thiru.S.V.Joseph Thangiah is in tune with the provisions of the statute and the bylaws.

13. The same cannot be said in respect of the forms submitted by Mr.Thomas Walker or Mr.Samrazal. When the bylaws specifically stipulate that the election officer nominated by the executive committee should conduct the election, it was not open to Mr.Thomas Walker to convene a meeting on his own and appoint a new election officer and conduct the election through him. The course of action adopted by Mr.Thomas Walker as well as Samrazal are not in consonance with the bylaws. The second respondent erred in placing all the three forms on the same pedestal. Rule 17(2) of the Tamil Nadu Societies Registration Rules, 1978 is as follows:-

“ The notice of any change among the members of the society or of the committee shall be filed in Form No.VII within three months from the date of such change. The notice of change among the members of the committee shall be accompanied by the resolution of the meeting, if any, effecting such change.”

The duty of the District Registrar is only to “ file” the Form-VII if it is in order. Before the District Registrar as many as three forms were filed. All the three forms could not have been placed on the same pedestal. The duty of the District Registrar was to find out which Form-VII is in broad conformity with the bylaws. Even a summary enquiry would have revealed that Thiru.A.Selvin alone was competent to conduct the election and not others. Form-VII reflecting the outcome of the election conducted by Thiru.A.Selvin alone deserved to be filed. This is more so because Thiru.A.Selvin had conducted the election as per the list of members issued by the District Registrar.



14. In this view of the matter, the impugned order is set aside in as the petitioner is concerned. The second respondent is directed to file the Form-VII submitted by the writ petitioner herein.

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15. The learned counsel appearing for Mr.Samrazal drew my attention to the following provision in the bylaws:-

“(5) Njh;jy; fkp\dspd; epge;jidfs;:

1) gh];l;bNul; khNd[pq; fkpl;b Njh;jy;fs; fhyh fhy;jpy; thf;fhsh; [hgpjh jahhpj;j khNd[pq; fkpl;b nrayUf;F mwptpg;Gfs; nfhLj;j igyh gb rk;ge;jg;gl;l fkpl;bfsdpd; MAs; fhyk; Kbtiltjw;F 3 khjj;jpw;F Kd; Njh;jy; elj;jy;.”

The members list of the society cannot be a constant figure. In view of the congregational nature of the group, there will be regular additions of members. Any eligible person is entitled to be enrolled as member. The list will have to be periodically revised. In future, the election officer should not simply apply for membership list from the District Registrar and conduct election on that basis. He must undertake the task of revision of the members list. This exercise should be commenced five months prior to the holding of the election and completed within a period of one month thereafter. This direction is issued as continuing Mandamus to the writ petitioner Society. It is the duty of the District Registrar to ensure that this direction is scrupulously complied with. If an election is held without following this direction, Form-VII reflecting the outcome of the election shall not be taken on file.

16. The second respondent is directed to file Form-VII submitted by Mr.S.V.Joseph Thangiah on 14.11.2022. This writ petition stands allowed accordingly.”

Aggrieved by the same, the petitioner herein filed WA(MD)No.1488 of 2024. The said writ appeal was taken up for final disposal along with WA(MD)Nos.1488 and 1614 of

2024. The Hon'ble Division Bench dismissed the writ appeals vide order dated



02.12.2024. Paragraph 18 of the said order reads as follows :



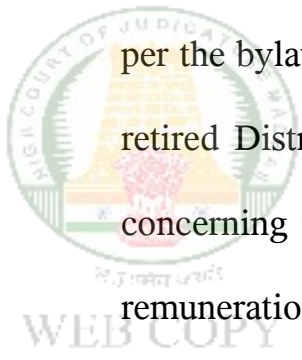
“18. No doubt, the Writ Court had directed that in future the Election officer should undertake the exercise of preparing a voters list based on the current strength of the Congregation, as it is subject to constant change but that by itself will not, in our opinion, render the elections already held invalid. We therefore, see no need to interfere with the order of the learned Single Judge.”

Challenging the same, the petitioner herein went before the Hon'ble Supreme Court by filing SLP(Civil) Diary No.47374 of 2025. The Ho'ble Supreme Court vide order dated 16.09.2025 permitted the petitioner to withdraw the SLP with the following liberty :

“Mr.Senthil Jegadeesan, learned senior counsel appearing for the petitioner, upon instructions, submits that the present petition(s) may be dismissed as withdrawn, leaving it open for the petitioner to approach the High Court for appropriate clarification/modification in the impugned order to the extent of seeking the appointment of an Independent Election Officer/Administrator to be appointed for the elections to be held in November, 2025.”

Availing the said liberty, this writ miscellaneous petition has been filed.

3.When the matter was taken up for hearing, the learned Senior Counsel appearing for the society submitted that as per the bylaws, every time after the election is concluded, an election officer is appointed to conduct the next election. Accordingly, one Thiru.P.Stalin was appointed as election officer. However, the learned counsel for the petitioner herein states that it is necessary to appoint an independent election officer to conduct the election for the triennium November 2025 to November 2028. There is consensus between the parties on either side that the election officer earlier appointed as



per the bylaws can function subject to the supervision and control of Thiru.D.A. retired District Judge. In other words, the decision to be taken by him in all aspects concerning the proposed election will be final. Thiru.D.Arulraj will fix an appropriate remuneration and the same will be borne from and out of the funds of the society.

4.This writ miscellaneous petition is disposed of accordingly. No costs.

23-10-2025

Skm

Note : Issue order copy today (23.10.2025)

To

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151, Tirunelveli District.