



W.P(MD)No.20799 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.20799 of 2026

and

W.M.P(MD)No.15452 of 2026

M.Senthil Kumar

... Petitioner

Vs

1.The District Registrar of Societies,
O/o.District Registrar, Virudhunagar,
Virudhunagar District.

2.N.Mariappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the second respondent to occupying the office of the society and consequently appointing the Administrator/ Former Judge of this High Court to prepare amended bylaw and inclusion of members and to conduct the election in accordance with amended bylaw of the society.

For Petitioner : Mr.P.Arun Jayatram



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For Respondents : Mr.R.Ramasamy (R1)
counsel for State

: Mr.H.Lakshmi Shankar (R2)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus forbearing the second respondent from occupying the office of the Secretary of the Society and, consequently, directing the appointment of an Administrator or a former Judge of this Court to prepare the amended bye-laws, undertake the inclusion of members, and conduct the election in accordance with the amended bye-laws of the Society.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as the Secretary of Mallanginar Nadar Mahajana Kilai Sangathirku Patthiyamana M.S.P. Senthil Kumar Nadar Higher Secondary School Paribalana Sabai, Mallanginar by the Patron of the Society by invoking the power conferred under Rule 23A of the bye-laws of the Society. Pursuant thereto, the petitioner submitted Form VII before the



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District Registrar of Societies on 30.04.2025. Simultaneously, the second respondent, namely, N. Mariappan, claiming himself to be the Secretary of the Society, also submitted Form VII before the District Registrar. By proceedings dated 28.05.2025, the District Registrar rejected both the applications on the ground that the bye-laws of the Society were inconsistent with the provisions of the Tamil Nadu Societies Registration Act.

3. Aggrieved by the said proceedings, the Patron of the Society, M.S.P. Senthil Kumar, filed W.P.(MD) No.16898 of 2025 before this Court. Likewise, the second respondent filed W.P.(MD)No.17316 of 2025 challenging the very same proceedings. Both the Writ Petitions were disposed of by a common order dated 30.06.2025, whereby this Court constituted an Ad hoc Committee for the purpose of amending the bye-laws of the Society and conducting elections. According to the petitioner, despite the said directions, the election was not conducted.



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4. Thereafter, the second respondent initiated contempt proceedings in Cont.P.(MD) Nos.2638 and 2639 of 2025 alleging non-compliance with the directions issued by this Court. By order dated 24.11.2025, the contempt petitions were closed by granting a further period of six months for completion of the election process. According to the petitioner, even thereafter no election was conducted. Hence, the present Writ Petition has been filed seeking to forbear the second respondent from continuing in the office of the Secretary and for a consequential direction to appoint an Administrator or a former Judge of this Court to prepare the amended bye-laws, include eligible members, and conduct the election in accordance with the amended bye-laws.

5. The learned counsel for the petitioner further submitted that the second respondent cannot continue to occupy the office of the Secretary, especially when the Form VII submitted by him had already been rejected by the District Registrar and the said rejection has not been set aside. It is his



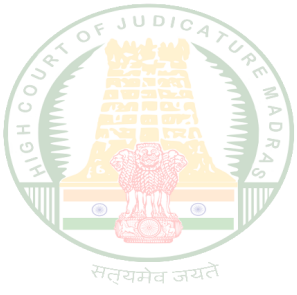
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further submission that, despite the directions issued by this Court to conduct the election, no election had been conducted. Therefore, he prayed for appropriate orders.

6.Per contra, the learned counsel appearing for the second respondent submitted that, in compliance with the orders of this Court, the election was conducted on 19.07.2026. Thereafter, Form VII was submitted before the first respondent on 20.07.2026 for recording the names of the newly elected office-bearers. However, the first respondent has not yet passed any orders on the said Form VII. It was further submitted that the election has already been challenged by one Karthik and nine others, claiming to be representatives of the Society, by filing a civil suit, which is presently at the S.R. stage on the file of the District Munsif Court, Kariyapatti.

7.The learned counsel for the second respondent further submitted that, despite the election having already been conducted and Form



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WEB COPY VII having been submitted before the first respondent, the petitioner has suppressed these subsequent developments and filed the present Writ Petition.

8.It is also brought to the notice of this Court that, as against the common order passed in W.P.(MD) Nos.16898 and 17316 of 2025, the Patron of the Society, M.S.P. Senthil Kumar, preferred W.A.(MD) Nos.2168 and 2169 of 2025, which came to be dismissed on 06.08.2025. It is further submitted that the present petitioner has also preferred W.A.(MD) Nos.3101 and 3102 of 2025 challenging the very same common order and that the said writ appeals are still pending consideration.

9.This Court has considered the rival submissions made on either side and perused the materials placed on record.

10.It is evident that subsequent developments, namely, the conduct of the election on 19.07.2026, the submission of Form VII on



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20.07.2026, and the challenge to the election before the competent Civil Court, have not been disclosed in the affidavit filed in support of the present Writ Petition. Further, several disputed questions of fact arise for consideration, including the validity of the election, the entitlement of the elected office-bearers, and the rights of the rival factions. Such disputed questions cannot be adjudicated in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India. More particularly, when a civil suit challenging the election is already pending before the competent Civil Court, it would not be appropriate for this Court to adjudicate upon the same issues in the present Writ Petition.

11.In view of the above, this Writ Petition is dismissed. However, liberty is granted to the petitioner to work out his remedies before the appropriate forum in the manner known to law. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No



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To

The District Registrar of Societies,
O/o.District Registrar,
Virudhunagar,
Virudhunagar District.



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M.DHANDAPANI, J.

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