

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 36006 of 2007 (J)

PETITIONER :

**THE CHRISTIAN CHARITABLE AND EDUCATION CENTRE,
REG.NO.K-529/04, VEMPALLY, P.O.KANAKKARY
MEENACHIL, KOTTAYAM, REPRESENTED BY ITS PRESIDENT
T.JOSEPH, AGED 55 YEARS, S/O.THOMAS
KANIYARAKATHU, HOUSE, KURAVILANGAD
KOTTAYAM.**

BY ADV. SRI.M.J.THOMAS

RESPONDENT(S) :

- 1. THE SECRETARY TO GOVERNMENT,
TAXES (E) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE INSPECTOR GENERAL OF REGISTRATION,
THIRUVANANTHAPURAM.**
- 3. THE DISTRICT REGISTRAR (GENERAL),
KOTTAYAM.**
- 4. N.V.GEORGE,
S/O.VAREETHU,
NERAPARAMBIL HOUSE,
GEO BHAVAN, KSRTC ROAD
CHALAKUDY, THRISSUR-680 307.**

R1 TO R3 BY GOVT. PLEADER SRI. S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE MINUTES OF THE ANNUAL GENERAL BODY MEEING OF THE SOCIETY HELD ON 14/7/2006.
- EXT.P2 COPY OF THE NOTICE INTIMATING THE CONVENING OF THE ANNUAL GENERAL BODY MEETING ON 25/5/2007.
- EXT.P3 COPY OF THE POSTAL RECEIPTS EVIDENCING DESPATCH OF NOTICE INTIMATING THE CONVENING OF THE ANNUAL GENERAL BODY MEETING ON 25/5/2007.
- EXT.P4 COPY OF THE MINUTES OF THE MEETING HELD ON 25/5/2007.
- EXT.P5 COPY OF THE ANNUAL REPORT SUBMITTED BY THE PETITIONER SOCIETY TO THE 3RD RESPONDENT.
- EXT.P6 COPY OF THE ORDER NO. 18058/E2/7 DATED 10/10/2007 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J

W.P.(C).No.36006 of 2007-J

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner is aggrieved with Exhibit P6 order passed by the Government. None appears for the petitioner or the contesting respondent.

2. The petitioner, admittedly, is a Society registered under the Travancore-Cochin Literary, Scientific & Charitable Societies Registration Act, 1955 [for brevity "Societies Registration Act"]. The 4th respondent is said to have been elected as the President of the Society at the Annual General Body Meeting [for brevity "AGM"] of the Society held on 17.12.2005 and again elected as such in the AGM held on 14.07.2016, as evidenced at Exhibit P1. The next AGM was to be conducted on 25.05.2007. Registered notices were said to have been issued for the convening of the AGM to all the members, including the 4th respondent. The notice and the postal receipts are produced at Exhibits P2 and P3. Seven members had participated in the AGM held on 25.05.2007, in which

elections were conducted and office bearers were elected. The minutes of the meeting so held is produced at Exhibit P4. The same was produced before the Registrar under the Societies Registration Act, which was accepted.

3. Subsequently, the 4th respondent is said to have filed a complaint before the 3rd respondent. The 3rd respondent is also said to have enquired into the same and found that the election held on 25.05.2007 is legal and valid and the accounts produced were found to be correct and the same was accepted and registered. However, later Exhibit P6 was passed by the Government, directing reconsideration of the same.

4. A reading of the Societies Registration Act would indicate that the Government has absolutely no power to make any such review. The learned Government Pleader would rely on Section 19(3) of the Societies Registration Act. Section 19 speaks of the power of the Government and the Registrar to call for accounts and inspection of books. It also confers the Registrar with the power to appoint an Inspecting Officer to enter the premises of the Society and on furnishing the information, call for information, conduct an examination and make a report.

Sub-section (3) of Section 19 is the power of the State Government to review the said report. Herein, no such report has been filed. The issue is only with respect to the AGM conducted and acceptance of the office bearers so elected in the AGM. Therefore, Exhibit P6 cannot be sustained. Exhibit P6 would stand set aside.

Writ petition allowed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]