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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) Nos.21 to 23 of 2013 & 122 to 124 of 2009

P.PANDIVEERAN ... PETITIONER in WA(MD) No.21 of 2013
K.MURUGESAN ... PETITIONER in WA(MD) No.22 of 2013
A.MARIAPPAN ... PETITIONER in WA(MD) No.23 of 2013

1 BODINAYAKANUR THIRUMALAPURAM
NADARGAL URAVINMURAI SCHOOL COMMITEE (NO.108/64)
A SOCIETY REGIS. UNDER SOC. REG. ACT &
SEC., THIRUMALPURAM BODINAYAKANUR.

2 R.A.LENIN
3 R.S.RAVINDRAN ... PETITIONERS in WA(MD) No.122 of 2009

BODINAYAKANUR THIRUMALAPURAM
NADARGAL URAVINMURAI SCHOOL
COMMITEE (NO.108/64) A SOCIETY REGIS.,
UNDER SOC., REG., ACT &
SEC., THIRUMALPURAM,
BODINAYAKANUR. ... PETITIONER in WA(MD) No.123 and 124 of 2009

-VS-

1 THE INSPECTOR GENERAL OF REGISTRATION,
SANTHOME, CHENNAI-28.

2 THE DISTRICT REGISTRAR(REGISTRATION),
PERIYAKULAM, THENI DISTRICT.

3 M.V.C.SURIYAN
S/O.CHIDAMBARA NADAR, CHINNA BOLAN LANE,
THIRUMALAPURAM, BODINAYAKANUR,
THENI DISTRICT. ... RESPONDENTS in WA(MD) No.21 of 2013 and

1 THE INSPECTOR GENERAL OF REGISTRATION,
SANTHOME, CHENNAI-28.
2 THE DEPUTY INSPECTOR GENERAL OF REGISTRATION,
MADURAI DISTRICT.

3 THE DISTRICT REGISTRAR OF SOCIETIES,
PERIYAKULAM, THENI DISTRICT.

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4 THE CHIEF EDUCATIONAL OFFICER,
THENI DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
UTHAMAPALAYAM, THENI DISTRICT.

6 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
THENI DISTRICT.

7 THIRUMALAPURAM NADARGAL URAVINMURAI SANGAM,
THIRUMALAPURAM,
BODINAYAKANUR, THENI DISTRICT.

8 THE SECRETARY,
NADAR HIGHER SECONDARY SCHOOL,
THIRUMALAPURAM,
BODINAYAKANUR, THENI DISTRICT.

9 THE SECRETARY,
NADAR ELEMENTARY SCHOOL, THIRUMALAPURAM,
BODINAYAKANUR, THENI DISTRICT.

10 M.V.C.SURIYAN
OLD NO.16/32, MUTHUVEL STREET,
THIRUMALAPURAM, BODINAYAKANUR,
THENI DISTRICT.

11 S.V.S.JAYABAL
S/O.SAMYKALAI NADAR,
WEST STREET THIRUMALAPURAM,
BODINAYAKANUR, THENI DISTRICT.

12 K.VEER SANGILI
S/O.KARMEGA NADAR,
ALAGAR KOIL STREET,
THIRUMALAPURAM, BODINAYAKANUR,
THENI DISTRICT. ... RESPONDENTS in WA(MD) No.22 of 2013

1 THE INSPECTOR GENERAL OF REGISTRATION,
SANTHOME, CHENNAI-28.

2 THE DISTRICT REGISTRAR OF SOCIETIES,
PERIYAKULAM, THENI DISTRICT.

3 THIRUMALAPURAM NADARGAL URAVINMURAI SANGAM,
THIRUMALAPURAM, BODINAYAKANUR,
THENI DISTRICT. ... RESPONDENTS in WA(MD) No.23 of 2013

1 THIRUMALAPURAM NADARGAL URAVINMURAI SANGAM
(NO.177/1998) REP.BY ITS PRESIDENT,
11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

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2 S.PALANISAMI
S/O.SEENIYAPPA NADAR,
MARIYAMMAN KOIL STREET,
THIRUMALAPURAM, BODINAYAKANUR.

3 M.V.C.SURIYAN
S/O.CHIDAMBARA NADAR,
MUTHUVEL STREET,
THIRUMALAPURAM BODINAYAKANUR.

4 S.V.K.JAYARAJ
S/O.KARUPPIAH NADAR,
WEST STREET, THIRUMALAPURAM,
BODINAYAKANUR.

5 V.PANDIAN
S/O.VANNIYA PERUMAL NADAR,
LANE OPPOSITE TO NADAR HIGHER SECONDARY SCHOOL,
THIRUMALAPURAM, BODINAYAKANUR.

6 T.S.SOUNDARAPANDIAN
S/O.SINNA KARUPPIAH NADAR,
BAZAAR STREET, THIRUMALAPURAM, BODINAYAKANUR.

7 THE DISTRICT REGISTRAR (ADMINISTRATION)
PERIYAKULAM. ... RESPONDENTS in WA(MD) No.122 of 2009

1 THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI-6.

2 THE DISTRICT EDUCATIONAL OFFICER,
UTHAMAPALAYAM THENI DISTRICT.

3 THE CHIEF EDUCATIONAL OFFICER,
THENI DISTRICT THENI.

4 THIRUMALAPURAM NADARGAL URAVINMURAI SANGAM
(NO.177/1998) REP.BY ITS PRESIDENT,
11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

5 S.V.S.JAYAPAL
NO.11/17, BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

6 S.V.S.RADHAKRISHNAN
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

7 P.NAGARAJAN
NO.11/17, BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

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8 A.BALASUBRAMANI
NO.11/17, BAZAAR STREET,

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THIRUMALAPURAM, BODINAYAKANUR.

9 V.PANDIYAN
NO.11/17, BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

10 CHANDRASEKARAN
NO.11/17, BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

11 G.PADAMUTHU
NO.11/17, BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

12 S.DHARMARAJ
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

13 S.RAMAKRISHNAN
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

14 S.RAJAMANICKAM
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

15 K.RADHAKRISHNAN
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

16 R.SAKTHIVEL
NO.11/17 BAZAAR STREET,
THIRUMALAPURAM, BODINAYAKANUR.

... RESPONDENTS in WA(MD) No.123 and 124 of 2009

Prayer in WA(MD) No.21 of 2013:
To prefer this Memorandum of Writ Appeal as against the order dated 19.12.2011 in W.P.(MD)No.3610 of 2006 of this Hon'ble Court.

Prayer in WA(MD) No.22 of 2013:
To prefer this Memorandum of Writ Appeal as against the order dated 19.12.2011 in W.P.(MD)No.8054 of 2010 of this Hon'ble Court.

Prayer in WA(MD) No.23 of 2013:
To prefer this Memorandum of Writ Appeal as against the order dated 19.12.2011 in WP(MD) No.8249 of 2006 of this Hon'ble Court.

Prayer in WA(MD) No.122 of 2009:
To set aside the Order dated 12.10.2007 made in WP.2594 of 2004 on the file of this Honourable Court and allow this WA and thus render justice.

Prayer in WA(MD) No.123 of 2009:
To set aside the Order dated 12.10.2007 made in WP.499/2005 on the file of this Honourable Court and allow this WA and thus render justice.

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Prayer in WA(MD) No.124 of 2009:
To set aside the Order dated 12.10.2007 made in WP.500/2005 on the file of this Honourable Court and allow this WA and thus render justice.

Prayer in WP(MD). 3610/ 2006 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, calling for the records in connection with the impugned order of 2nd respondent vide proceedings ref. Na.Ka.No. 8889/A2/04 dated 30/09/2004, quash the same and direct the first respondent to pass appropriate order after holding an enquiry into the affairs of Th8irumalapuram nadars Uravinmurai society registered vide No. 177/98 to ensure the society being administered in accordancde with bye laws societies Registration Act, 1975.

Prayer in WP(MD). 8054/ 2010 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, forbearing Respondents 3 to 6 herein from approving the Form VII submitted by the 7th Respondent Society for the period 2010-2013 as well as the Educational Agency of the 8th and 9th Respondent Schools for the period 2010-2013 based on the enquiry report No.9416/E1/2002 dated 17-03-2003 of the 2nd Respondent herein.

Prayer in WP(MD). 8249/ 2006 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandmaus, directing the first repsondent hereins to consider the representation of the petitioner dated 14/05/2006 and sent on 15/05/2006 and to initiate appropraite action by holding an enquiry into the affaris of the society viz, thirumalapuram nadars uravinmurai society to ensure the society being administered in accordance with the provisions of the bye laws and in accordance with the provision of tamil Nadu Societies Registration Act if necessary by holding the election to officer bearers of the society in a fair and impartial manner.

Prayer in WP(MD). 2594/ 2004 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ direction or order in the nature of certiorari or any other appropriate writ calling for the records of the 7th respondent in his proceedings K.No.8040/A2/04 and to quash the order dated 28/09/2004

Prayer in WP(MD). 499/ 2005 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the second respondent in connection with the impugned order passed by the second respondent in Na.Ka.No. 2095/A2/2004, dated 29.12.2004 and quash the same.

Prayer in WP(MD). 500/ 2005 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the first respondent in connection with the impugned order passed by the first respondent in Na.Ka.No. 115947 /W12/2004, dated

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28.12.2004 and quash the same.

For Appellant
(in WA(MD) No.21 of 2013) : MR.S.S.SUNDAR
For Respondent : MR.A.K.BASKARA PANDIAN
SPECIAL GOVERNMENT PLEADER FOR R1&R2
: MR.S.C.HEROLD SINGH, FOR R3

For Appellant1
(in WA(MD) No.22 of 2013) : MR.ARL.SUNDARESAMN, SENIOR COUNSEL
FOR MR.T.PONKUMAR
For Respondents : MR.A.K.BASKARA PANDIAN
SPECIAL GOVERNMENT PLEADER FOR R1 TO R6
: MR.S.C.HEROLD SINGH, FOR R7 TO R12

For Appellant
(in WA(MD) No.23 of 2013) : M/S.D.GEETHA
For Respondents : MR.A.K.BASKARA PANDIAN
SPECIAL GOVERNMENT PLEADER FOR R1 & R2
: MR.ISAAC MOHANLAL FOR R3

For Appellant
(in WA(MD) No.123 of 2009) : M/S.N.KRISHNAVENI
For Respondents : MR.A.K.BASKARA PANDIAN
SPECIAL GOVERNMENT PLEADER FOR R1 TO R3
: MR.ISAAC MOHANLAL FOR R4 TO 11 & R16
: NON APPEARANCE R12 to 15

For Appellant
(in WA(MD) No.124 of 2009) : M/S.N.KRISHNAVENI
For Respondents : MR.A.K.BASKARA PANDIAN
SPECIAL GOVERNMENT PLEADER FOR R1 TO R3
: MR.ISAAC MOHANLAL FOR R4 TO 11 & R16
: NON APPEARANCE R12 to 15

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J.)

Heard Mr.S.S.Sundar, Mr.G.R.Swaminathan, Mr.T.Pon Ramkumar, Ms.D.Geetha and Ms.N.Krishnaveni, learned counsel appearing for the appellants.

2.WA(MD)No.21 of 2013 has been filed against the order of the learned Single Judge dated 10.12.2011 passed in WP(MD)No.3610 of 2006.

3.The learned Single Judge dismissed the said Writ Petition declining to interfere with the acceptance of Form – VII issued by the District Registrar of Societies, primarily on the ground that the Full Bench of this Court in *2005 (2) CTC 161 (C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee, Karisal Vs. The District Registrar Cheranmahadevi, Tirunelveli District)* clearly observed that it is an administrative work and no power can be exercised in that manner. Therefore, the present Writ Appeal against the said order has to necessarily fail in view of the above said decision of the Full Bench of

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this Court.

4.W.A(MD)No.22 of 2013 has been filed against the order of the learned Single Judge dated 10.12.2011 passed in WP(MD)No.8054 of 2010.

5.The relief sought for in WP(MD)No.8054 of 2010 is to forbear the respondents 3 to 6 therein from approving Form – VII for the period from 2010-2013. The learned Single Judge has dismissed the said writ petition relying upon the above said Full Bench decision of this Court.

6.The relief sought for in WP(MD)No.8249 of 2006 is to consider the representation of the petitioner for holding fresh election for the registered society. The learned Single Judge has not given any finding with regard to the said relief. However, WA(MD)No.23 of 2013 has been filed.

7.The contention of the appellant is with regard to allegation of misdeeds for the period between 2001 and 2005. That period is already over and there are no elected office bearers at present. Since the period is already over in the year 2005 itself, this issue could be considered by the newly elected office bearers in relation to the nature of misdemeanors conducted by the erstwhile members. Therefore, this writ appeal also fails.

8.The society has filed WP(MD)Nos.2594 of 2004 and 499 & 500 of 2005 challenging merger of the present society with the earlier society contending that it is illegal, arbitrary and *mala fide*.

9.In these cases also, the learned Single Judge has relied upon a Full Bench decision of this Court reported in *(2005) 2 M.L.J 335 (CMS.Evangelical Suvi Devi Memorial Higher Secondary School Committee, Karisal V. The District Registrar, Cheranmahadevi*,) wherein it is observed that the Registrar can direct the parties to approach the civil forum to establish their rights and dismissed the writ petitions. Aggrieved by the same, WA (MD)Nos.122 to 124 of 2009 have been filed.

10.We find no reason to interfere with the order of the learned single Judge in view of the above said Full Bench decision of this Court. However, the parties are at liberty to proceed for holding election in accordance with relevant provisions of law and work out their remedy so as to enable the society to have a new election consequent to closing of the tenure 2010-2013.

11.Accordingly, these writ appeals are disposed of. No costs. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1.The Inspector General of Registration,
Santhome, Chennai - 28.

2.The District Registrar (Registration)
Periyakulam, Theni District.

3. The Deputy Inspector of General of Registration,
Madurai District.

4. The District Registrar of Societies,
Periyakulam, Theni District.

5. The Chief Educational Officer,
Uthamapalayam, Theni District.

6. The District Educational Officer,
Uthamapalayam, Theni District.

7. The District Elementary Educational officer,
Theni District.

8. Thirumalapuram Nadargal Uravinmurai Sangam,
Thirumalapuram, Bodinayakanur, Theni District.

9. The Secretary Nadar Higher Secondary School,
Thirumalapuram, Bodinayakanur, Theni District.

10.The Secretary Nadar Elementary School,
Thirumalapuram, Bodinayakanur, Theni District.

11.The Director of School Education, Chennai.

+ 1 CC TO M/S.T.PONKUMAR, ADVOCATE IN SR NO. 60473
+ 1 CC TO MR.S.C.HEROLD SINGH, ADVOCATE IN SR NO. 60833
+ 1 CC TO M/S.S.S.SUNDAR, ADVOCATE IN SR NO. 60897
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO. 60923
+ 1 CC TO M/S.T.ANTONY ARUL RAJ, ADVOCATE IN SR NO. 61059

MJ
TE/JGB-DP/ 03/12/2015 : 8P/17C

Writ Appeal (MD) Nos.21 to 23 of 2013
& 122 to 124 of 2009
13.10.2015

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