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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1073 of 2016

and

C.M.P(MD)No.6487 of 2016

M.S.Selvaraj

... Appellant

Vs.

1.The Joint Director of School Education,
(Higher Secondary),
DPI Complex, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tiruchirapalli.

3.The District Registrar,
Ariyalur.

4.Sengunthar Kalvi Abhiviruthi Sangam,
Rep. by its President,
High School Road,
Thuraiyur.

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the Order dated 13.05.2010 made in W.P.(MD).No.6690 of 2010 on the file of this Court.

Prayer in WP(MD). 6690/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court may be pleased to call for the records on the file of the Fourth Respondent in connection with its order dt. 03.01.2010 and the Third Respondent in connection with his order dt. 13.4.2010 in Form No. VII and QUASH the same by issuing a writ of certiorari.

For Appellant : No appearance

For Respondents 1-3 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For R4 : No Appearance

**JUDGMENT**

(Judgment of the Court was delivered by **NOOTY.RAMAMOHANA RAO, J**)

None appears for the appellant.

2.The writ petitioner has filed the writ petition to call for the records on the file of the fourth respondent Sangam in connection with its order dated 03.01.2010 and that of the third respondent District Registrar, Ariyalur who recorded Form VII on 13.04.2010.

3.The case of the writ petitioner, as we can make out from paragraph 2 of the affidavit filed in support of the writ petition, is that the fourth respondent is formed in the year 1965 and that the appellant/writ petitioner is a member of the said Sangam. The said Sangam acting through its Executive Committee has passed resolution for removing five executive committee members and then preferring five others in their place. There is no adequate material on record available for us to come to a firm conclusion that the fourth respondent answers the description of State for the purpose of Article 12 of the Constitution. On the other hand, if a resolution passed by any such society is challenged, the appropriate course would only be to approach the competent authority and thereafter, a Civil Court for the purposes of examining the correctness and propriety of any such resolution. The Registrar of societies does not function in any quasi judicial capacity when he merely receives copies of the resolutions to be kept on record of his office and therefore, there is no action undertaken by any public authority adjudicating any *lis* between the parties or resolving a dispute between the said parties pursuant to any provision incorporated in any statute. That was the view in fact taken by the Division Bench of this Court in the following decisions:-

"(i)Navaladian Small Farmers Lift Irrigation Society and another v.K.Thangavel & others reported in 2005 (1) LW 794;

(ii)R.Muralidaran & 6 others v.The District Registrar, South Madras and another reported in 2008(2) LW 75; and

(iii)P.V.Kadiravan v.Kallar Kalvi Kazhagam reported in 2009(4) MLJ 461."

The same view has in fact been reiterated by the learned single Judge.



4. For the aforementioned reasons, we find no merits in this writ appeal. Accordingly, the writ appeal is dismissed. No costs. Consequently, C.M.P(MD)No.6487 of 2016 is closed.

Sd/-

Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar

To

1. The Joint Director of School Education,
(Higher Secondary),
DPI Complex, College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Tiruchirapalli.

3. The District Registrar,
Ariyalur.

+1cc to Mr.D.Selvanayagam, Advocate Sr.No.35130

+1cc to Spl.Government Pleader Sr.No.35170

sms

AA/DB/14.07.2016/3p-6c

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C.M.P(MD)No.6487 of 2016
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