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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

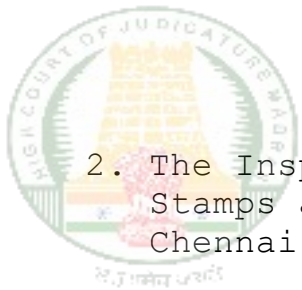
**W.A.(MD) Nos.587 and 588 of 2017
and
CMP.Nos.4909, 4919 and 4920 of 2017
and
W.P.(MD)No.22328 of 2016
and
W.M.P.(MD) No.16003 of 2016
and
W.P.(MD)No. 22292 of 2016
and
W.M.P.(MD) No. 15975 of 2016**

Virudhunagar Hindu Nadargal
Abiviruthi Panjukadai Mahamai,
Virudhunagar through its
Secretary
P.C.S.Narayanamurthy

.. Appellant/ 5th Respondent
in both Writ Appeals and
5th respondent in both W.Ps.

Vs.

1. A.S.K.R.J.Saravanan,
Secretary,
Virudhunagar Hindu Nadarkalukku
Pathiyamanan Senthilkumara Nadar
Uyarthara Kalluri Paripalana Sabai,
Virudhunagar.[Reg.No.9/1948] .. 1st Respondent/Petitioner in
W.A.(MD) No.587 of 2017
and petitioner in
W.P.(MD) NO.22328 of 2016
1. R.S.S.Ravi
Secretary,
V.V.Vanniaperumal College for
Women Managing Board,
Virudhunagar. [Reg.No.45/1966] .. 1st Respondent/ Petitioner
in W.A.(MD) No.588 of 2017
and petitioner in
W.P.(MD) No.22292 of 2016



2. The Inspector General of Registration,
Stamps and Registration Department,
Chennai.
3. The District Registrar,
(Administration and Societies)
Registrar Office,
Virudhunagar.
4. The Director of Collegiate Education,
College Education/Higher Education Department,
Chennai.
5. The Joint Director of Collegiate Education,
College Education Department,
Madurai Region, Madurai. ... Respondents 2to5/Respondents 1 to4
/ Respondents 1 to 4
in both Writ Appeals

PRAYER in in W.A.(MD) No.587 of 2017:- Appeal has been filed under clause 15 of the letters patent, praying to set aside the order dated 25.04.2017 passed in W.M.P.(MD).No.16003 of 2016 in W.P.(MD).No.22328 of 2016 by allowing this Writ Appeal.

Prayer in W.A.(MD) No.588 of 2017:- Appeal has been filed under clause 15 of the letters patent, praying to set aside the order dated 24.04.2017 passed in W.M.P.(MD).No.15975 of 2016 in W.P.(MD).No.22292 of 2016 by allowing this Writ Appeal.

Prayer in WMP(MD). 16003/ 2016 :

To pass an order of Interim Direction directing the Respondents herein to permit the petitioners (A.S.K.R.J.Saravanan) to function as Secretary of the Petitioner Society for discharging my duties to run day to day affairs of the Society pending disposal of the Main Writ Petition.

Prayer in WP(MD). 22328/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd Respondent herein to consider the Petitioner Society Application /Representation dated 19.08.2016 and accept and acknowledge the Form No. VII submitted by the Petitioner Society for the period 16.08.2016 to 15.08.2018 forthwith.

Prayer in WMP(MD). 15975/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices> To pass an order of Interim Direction directing the Respondents herein to permit the Joint Secretary of the Society Mrs.S.M.S.Mythili Manickavasagam to function as



Secretary/Correspondent of V.V.Vanniaperumal College for Women, Virdhunagar to discharge her duties and to run day to day affairs of the College Pending disposal of the Main Writ Petition.

Prayer in WP(MD). 22292/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd Respondent herein to consider the Petitioner society Application / Representation dated 29.08.2016 and accept and acknowledge the Form No. VII Submitted by the Petitioner Society for the period 16.08.2016 to 15.08.2018 forthwith.

For Appellants : Mr.S.Subbiah, Senior Advocate
in both appeals for Mr.N.Subramanian

For Respondents : Mr. Mr.V.Meenakshisundaram
in both appeals for M/s.D.Nallathambi for R1
: Mr.V.R.Shanmuganathan
Special Government Pleader
for RR2 to 5

For Petitioner in : Mr.V.Meenakshi Sundaram
both writ petitions

For Respondents : Mr.V.R.Shanmuganathan,
Spl.G.P. For RR1 to 4
Mr.S.Subbiah for R5, Senior
Advocate for Mr.N.Subramanian

COMMON JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Subbiah, learned senior counsel, assisted by Mr.N.Subramanian, learned counsel for the petitioner and Mr.V.Meenakshisundaram, learned counsel appearing for the first respondent in both appeals and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for R2 to R5 in both appeals.

2.These appeals are directed against the interim orders passed in W.M.P.(MD).No.16003 of 2016 in W.P.(MD).No.22328 of 2016, dated 25.04.2017 and W.M.P.(MD).No.15975 of 2016 in W.P.(MD).No.22292 of 2016, dated 24.04.2017, by which, the Writ Court, taking into consideration the interest of administration of the Educational Institutions, directed the first respondent herein to function as Secretary of the respective institutions and to discharge the duties and to run day to day affairs of the Educational Institutions, pending disposal of the Writ Petitions.



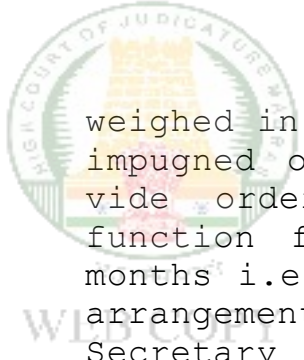
3.The learned counsel for the appellants as well as the learned counsel appearing for the first respondent have requested us to dispose of the Main Writ Petitions as the relief sought for in the Writ Petitions is limited. Therefore, we have taken up the writ petitions along with the writ appeals, which are against interim orders in the writ petitions.

4.Both the Writ Petitions have been filed by the respective first respondent herein, praying the for issuance of a Writ of Mandamus to direct the District Registrar (Administration and Societies), Virudhunagar to accept and acknowledge Form-VII submitted by the first respondent society for the period from 16.08.2016 to 15.8.2018.

5.The appellant is aggrieved by the interim order for the reason that inspite of the orders passed in W.P.(MD) No.1484 of 2015 and the Judgment of the Division Bench in W.A.(MD).Nos.969 and 1099 of 2015 dated 07.01.2016, the elected members of the appellant society have not been represented in the General Body Meeting conducted by the respective first respondent society, bearing Registration Nos.9 of 1948 and 45 of 1966.

6.After elaborately hearing the learned counsels for the parties, we find that the orders passed in W.P.(MD)No.1484 of 2015 as well as the Judgment in W.A.(MD).Nos.969 and 1099 of 2015 cannot impact the present proceedings as it appears that those proceedings pertain to interse dispute within the appellant society and not pertaining to the societies registered as Nos.9 of 1948 and 45 of 1966. In the instant cases, we are only concerned with the affairs of the societies registered as Registration Nos.9 of 1948 and 45 of 1966. The said Societies are said to have convened a General Body Meeting and have elected their representatives and they have submitted Form-VII declaration before the District Registrar, Virudhunagar. The said Form VII declaration are pending consideration for more than seven months. It has been held that the District Registrar has been termed as a Form Filer and he cannot indefinitely keep the Form-VII pending on his file. In fact, the time limit prescribed under the Statute is three months for the District Registrar to file Form-VII or to pass orders otherwise. In the instant case, the application is pending for over seven months. Therefore, we are inclined to issue appropriate direction to the District Registrar to consider the Form-VII filed by the elected representatives of the Societies registered bearing Registration Nos.9 of 1948 and 45 of 1966.

7.Considering the fact that the Societies have established and are administering two Educational Institutions, we deem it appropriate to direct that the institutions should have a Secretary/Correspondent as otherwise, the very functioning of the Institutions would be jeopardized. In fact, this is what has



weighed in the mind of the learned single Judge, while passing the impugned orders. Earlier, the Director of Collegiate Education vide order dated 03.10.2016 has permitted the Secretary to function for the Educational Institutions for a period of six months i.e. this 24.08.2016 to 23.02.2017. There was an similar arrangement in 2014 vide order dated 19.12.2014 by which, Secretary was permitted to function for a period from 27.08.2014 to 26.08.2016. Therefore, in our considered view the learned Single Judge was perfectly right in permitting the respective first respondent herein to function as Secretary/Correspondent of the Educational Institutions to run the day to day affairs of the Educational Institutions.

8.The learned counsel for the first respondent has raised a question of maintainability of Writ Appeals by referring to the decision of the Hon'ble Supreme Court in the case of ***E.R.M.C. Mine Planning & Design Institute Ltd., V. Union of India reported in AIR 2001 Supreme Court 883.*** However, as we have taken up the writ petitions for disposal, there would be no necessity to examine the maintainability of the writ appeals.

9.Thus, we are also of the view that there shall be a Secretary/Correspondent for the institutions so that the day to day functions are smoothly carried out, bearing in mind to the welfare of the students, who are pursuing the education in those institutions.

10.Accordingly, we dispose of these writ appeals and the writ petitions, by directing the District Registrar, Virudhunagar to consider the Form-VII declaration along with the representation dated 19.08.2016 filed by the Societies registered as Registration Nos.9 of 1948 and 45 of 1966 and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. Till then, the first respondents in both writ appeals shall be permitted to function as Secretary/Correspondent of the respective educational institutions, making it clear that they shall only be permitted to run the institutions and take care of the day to day affairs of the institutions and not to make any appointment or other matters, which are involve the administration of the institutions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/



To

1. The Inspector General of Registration,
Stamps and Registration Department,
Chennai.

WEB COPY

2. The District Registrar,
(Administration and Societies)
Registrar Office,
Virudhunagar.
3. The Director of Collegiate Education,
College Education/Higher Education Department,
Chennai.
4. The Joint Director of Collegiate Education,
College Education Department,
Madurai Region, Madurai.

+2 CC to M/s.N.SUBRAMANIAN , Advocate, SR No. 59516.
+2 CC to M/s.D.NALLATHAMBI , Advocate, SR No. 59473.
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 59787.

ARUL/LS

PSM/MR/SAR2/28.06.2017/6P/10C

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