



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN**W.P. (MD)No.8724 of 2016**

Lekshmipuram College Society (No.10 of 1964),
Eraniel,
Neyyoor - 629 802,
Kanyakumari District,
Pin : 629 802,
Represented by its President
Petitioner

..

Vs

1.The District Registrar (Societies),
Kanyakumari District,
At Nagercoil,
Kanyakumari District.

2.V.Lakshmanan Pillai

..Respondents

The President,
Lakshmipuram College Society (C.No.10/1964)
Neyyoor - 629 802,
Kanyakumari District,
(R2 is impleaded vide Court order
dated 11.11.2016 in WMP (MD) No.
8770 of 2016 by VBDJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to his order in letter No.1932/A2/2016, dated 15.04.2016, quash the same and to direct the first respondent to file the Form VII dated 23.03.2016 tendered and submitted by the petitioner to the respondent, within a time frame to be fixed by this Hon'ble Court.

(Prayer amended vide Court order dated
11.11.2016 in W.M.P.(MD) No.8084 of 2016 by VBDJ)

For Petitioner :Mr.K.N.Thampi

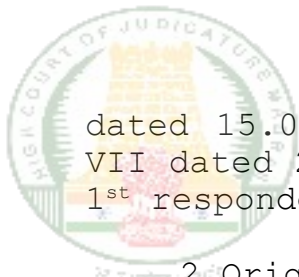
For 1st Respondent : Mr.D.Muruganantham
Additional Government Pleader

For 2nd Respondent : Mr.F.X.Eugene

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>

The Petitioner has approached this Court seeking quashment of the proceedings of the 1st respondent in letter No.1932/A2/2016



dated 15.04.2016 and to direct the 1st respondent to file the Form VII dated 23.03.2016 tendered and submitted by the petitioner to the 1st respondent within a time frame.

2. Originally the prayer in the writ petition was only for a writ of Mandamus, directing the first respondent to file the Form VII dated 23.03.2016 tendered by the petitioner. During the pendency of the writ petition an order dated 11.11.2016, has been passed by the respondent informing the petitioner that Form VII will be kept pending in view of the pendency of certain proceedings before this Court. In such circumstances, the petitioner was constrained to amend the prayer in the writ petition challenging the order passed by the first respondent dated 15.04.2016.

3. A counter affidavit has been filed by the first respondent. In the counter affidavit it has been stated that Form VII submitted by the petitioner was kept pending for the reason that the committee for the triennium 2012-2015 is under question in Writ Appeal No.700 of 2014 filed against the order passed in W.P.No.12133 of 2013.

4. Mr.K.N.Thampi, the learned counsel appearing for the petitioner would submit that the reason given in the impugned order as well as in the counter affidavit cannot be a ground for refusing to file Form VII, since the issue that was pending in the writ appeal No.700 of 2014 was in relation to the earlier triennium 2012-2015 and not relating to present triennium 2016-2019. Therefore, the reasons that were set out in the impugned order cannot be a valid ground for not filing Form VII submitted by the petitioner.

5. The learned counsel appearing for the petitioner has placed reliance on the decision of a Division Bench this Court reported in (2009) 5 MLJ 1540) in the matter of V.Sobana Kumar v. The District Registrar, Registrar of Societies, Marthandam at Kuzhithurai and 11 others.

6. In paragraph 21 of the said judgment, the Division Bench of this Court has held that the Registrar is a mere form filer and he cannot decide as to the status of the parties under the Scheme of the Tamil Nadu Societies Registration Act, 1975. Though the Registrar is empowered to go into the incidental questions pertaining to the Form VII, he cannot decide the status of the parties. It is only the Civil Court to decide in respect of the status of the parties in relation to the Society.

7. In the above circumstances, I do not see any impediment for the first respondent to file Form VII submitted by the petitioner. In the above circumstances, the impugned order dated 15.04.2016 is set aside and the first respondent is directed to file Form VII said to have been submitted by the petitioner and communicate the decision taken to the petitioner forthwith. The said exercise shall be carried out by the first respondent within a period of two weeks from the date of receipt of a copy of this order.



8.The Writ Petition is allowed to the extent as indicated above. There is no order as to costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/

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Sub Assistant Registrar

To

1.The District Registrar (Societies),
Kanyakumari District,
At Nagercoil,
Kanyakumari District.

+1 CC to M/s.K.N.THAMPI, Advocate, SR No. 19381

+1 CC to M/s. E.X.EUGENE, Advocate, SR No. 50328

+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 50155

SJ

PSM/SV-MMS/13.04.2017/3P/5C

W.P. (MD)No.8724 of 2016
04.04.2017