



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No. 15594 of 2015

and

M.P (MD) No. 1 of 2015

S. Murugesan

... Petitioner

vs.

1. The District Registrar,
Department of Registration,
29, Masilamanipuram 3rd Street,
Tuticorin.

2. The Tuticorin Vadadhisai Hindu Nadar Mahamai
Dharma Karapettai Paripalana Sangam,
(Reg. No. 4/1919),
Rep. by its President,
Periakattan Road,
Tuticorin Town.

3. The Secretary,
The Tuticorin Vadadhisai Hindu Nadar Mahamai
Dharma Karapettai Paripalana Sangam,
(Reg. No. 4/1919),
Periakattan Road,
Tuticorin Town.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Declaration, declaring the Rule 7(B) of Bye-Laws of the second respondent society insofar as it requires a proposal from one of the office bearers to become member of the second respondent society as illegal and unconstitutional and consequently direct the first respondent to give approval for the same.

For Petitioner: Mr. R. Manoj Kumar

For R-1 : Mr. M. Murugan,
Government Advocate

For R-2 : Mr. Niranjan S. Kumar

For R-3 : Mr. Isaac Mohanlan,
Senior Counsel for
Mr. T. Cibi Chakraborty

**ORDER**

This writ petition has been filed, seeking to declare the Rule 7(B) of the Bye-Laws of the second respondent society, as illegal and unconstitutional with a consequential direction to the first respondent to give approval for the same.

2. This Court is unable to see how such a declaration could be granted by this Court, which is exercising its jurisdiction under Article 226 of the Constitution of India. The validity or otherwise of the Bye-Laws of the society is entirely within the realm of the members of the society. If any member is aggrieved, it is open to him to approach the competent civil Court to question the validity of the Bye-Laws. It is certainly not open to a member of the society to bring such dispute within the ambit of Article 226 of the Constitution of India. Therefore, this Court is of the considered view that the prayer as sought for in the writ petition cannot be granted in writ jurisdiction and hence, the writ petition is dismissed as not maintainable. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Judicial)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The District Registrar,
Department of Registration,
29, Masilamanipuram 3rd Street,
Tuticorin.

- + 1 CC TO MR.T.CIBICHAKRABORTHY, ADVOCATE IN SR NO.86944
- + 1 CC TO MR.NIRANJAN S.KUMAR, ADVOCATE IN SR NO.86348
- + 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.86602

PM

BU/NM/RP/SAR-IV :14.11.2018 : 2P/5C

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