



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 24.09.2018
DELIVERED ON : 29.10.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD)Nos.19467, 3869 & 13144 of 2016;
11023 of 2014; 705 & 19710 of 2015, 24058, 20944
14835, 14896, 7767, 7808, 19905
19906 & 19337 of 2017
and
connected miscellaneous petitions

Thoothukudi Vadadhisai Hindu Nadar Mahamai,
Dharma karapettai Paripalana Sangam,
(Reg.No.4/1919),
Rep. its Secretary,
Great Cotton Road,
Thoothukudi Town,
Thoothukudi District. ... Petitioner in WP(MD)No.19467/2016

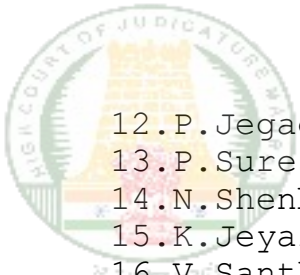
1. C.S. RAJENDRAN .. Petitioner in WP(MD)No. 3869/ 2016
2. A.RAJENDRAN ... Petitioner in WP(MD)No.13144/ 2016
3. THE SECRETARY,
KARAPETTAI NADAR GIRLS
HIGHER SECONDARY SCHOOL,
TUTICORIN, TUTICORIN DISTRICT.
... Petitioner in WP(MD)No. 11023/ 2014
4. THE SECRETARY KARAPETTAI NADAR GIRLS,
HIGHER SECONDARY SCHOOL,
TUTICORIN,
TUTICORIN DISTRICT. ... Petitioner in WP(MD)No. 705/ 2015
5. A. RAJENDRAN ... Petitioner in WP(MD)No. 19710/ 2015
6. THOOTHUKUDI NADARGAL MAGAMAI,
REP. BY ITS SECRETARY,
72, TOOVIPURAM MAIN ROAD,
THOOTHUKUDI DISTRICT - 628 003
... Petitioner in WP(MD)No. 24058/ 2017
7. C.S.RAJENDRAN, ... Petitioner in WP(MD)No. 20944/ 2017
8. G.SARAVANAKUMAR, ... Petitioner in WP(MD)No. 14835/ 2017



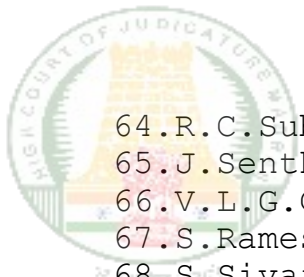
9. THOOTHUKUDI VADADHISAI
HINDU NADAR MAHAMAI DHARMA
KARAPETTAI PARIPALANA SANGAM,
REP. BY ITS PRESIDENT,
GREAT COTTON ROAD,
THOOTHUKUDI TOWN,
THOOTHUKUDI DISTRICT. ... Petitioner in WP(MD)No. 14896/ 2017
10. C.S. RAJENDRAN ... Petitioner in WP(MD)No. 7767/ 2017
11. C.S. RAJENDRAN, ... Petitioner in WP(MD)No. 7808/ 2017
12. THE SECRETARY,
KARAPETTAI NADAR HIGH SCHOOL
PARIPALAN SABAI, ... Petitioner in WP(MD)No. 19905/ 2017
13. KARAPETTAI NADAR HIGH SCHOOL
PARIPALAN SABAI,
REP. BY ITS SECRETARY, N.T.SELVARAJ
... Petitioner in WP(MD)No. 19906/ 2017
14. THE SECRETARY,
KARAPETTAI NADAR HIGHER SECONDARY SCHOOL,
TUTICORIN - 628 001, N.T.SELVARAJ.
... Petitioner in WP(MD)No. 19337/ 2017

Vs

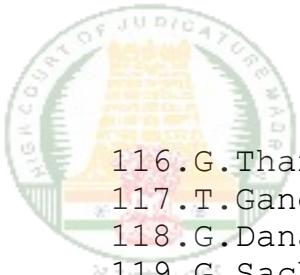
1. The inspector General of Registration.
(Registration and Societies)
Santhom Church Road,
Chennai District.
2. The District Registrar,
(Registration and Societies)
Thoothukudi, Thoothukudi District.
3. Thoothukudi Vadadhisai Hindu Nadar Mahamai,
Dharma karapettai Paripalana Sangam, (Reg.No.4/1919)
rep.its President, Great Cotton Road,
Thoothukudi Town,
Thoothukudi District.
(Cause title amended vide order dated 23.11.17
in WMP(MD)No.5365/2017)
4. T.Sankareswaran
5. A.T.Uthirapandian
6. A.Thangasamy Nadar
7. T.Parameshwaran
8. T.Velmani
9. T.Shanmugasundaram
10. A.P.Marimuthu
11. T.Balakrishnan



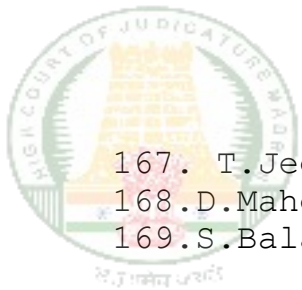
- 12.P.Jegadeeshwaran
- 13.P.Sureshkumar
- 14.N.Shenbaga Kani Nadar
- 15.K.Jeyaramachandran
- 16.V.Santhanaraj
- 17.S.Thiraviya Nadar
- 18.T.Ponraj
- 19.P.Jeyaraj
- 20.M.Rajendraprabhu
- 21.R.Senthilkumar
- 22.M.Santhanaraj
- 23.S.Lakshmanan
- 24.S.Annavi Arumugam
- 25.R.Madasamy
- 26.M.Sivakumar
- 27.K.Santhanabalan
- 28.P.Athiyappan
- 29.P.Periyasamy
- 30.S.Ramkumar
- 31.A.Sivalingam
- 32.A.Sivaperumal
- 33.N.Muthukrishnan
- 34.P.Arunachalam
- 35.M.Kaniraja
- 36.C.Madasamy
- 37.T.Kanagaraj
- 38.T.Lingaraj
- 39.p.Sivalingam
- 40.J.Sekar
- 41.S.Velsamy
- 42.S.Senthilkumar
- 43.A.Soundarapandian
- 44.K.Kurunathan
- 45.S.Jeyakumar
- 46.J.Rameshbabu
- 47.Subbiah
- 48.T.Krishnaraj
- 49.C.Balaji
- 50.G.Thangavelsamy Nadar
- 51.N.Vanniraj
- 52.K.C.Rathinavel
- 53.S.Rengan
- 54.S.Rajeshkumar
- 55.G.Manickam
- 56.G.Kesavan
- 57.T.Jeyakumar
- 58.S.Rajamani
- 59.T.Sivalingam
- 60.S.Santhanaraj
- 61.T.Thangamani Nadar
- 62.R.Rasirajan Nadar
- 63.V.Sivakumar



- 64.R.C.Subaschandrabose
- 65.J.Senthilkumar
- 66.V.L.G.C.Rajagurusamy
- 67.S.Ramesh
- 68.S.Sivaraman
- 69.A.Dhanapaul
- 70.A.Rajasekaran Nadar
- 71.J.Tamilarasan
- 72.J.Durairaj
- 73.G.Jeyamani Nadar
- 74.J.Rajadurai
- 75.T.Udayasuriyan Nadar
- 76.K.G.Pethuraj
- 77.J.Gurunathan
- 78.S.Ashokan
- 79.A.Saravanan
- 80.S.Ananth
- 81.T.Selva Vinayagam
- 82.L.A.M.P.D.Murugesan
- 83.P.Murugesapandi Nadar
- 84.P.Ganesamoorthy
- 85.B.Muthukumar
- 86.N.Dhayala Sankar
- 87.M.Gurusamy Nadar
- 88.G.Rajesh Kanna Nadar
- 89.V.Krishnamoorthy
- 90.A.Manickavel Nadar
- 91.V.Balasubramanian Nadar
- 92.N.Dharmaraj Nadar
- 93.S.Bethu Balamurugan
- 94.M.Ponmurugan Nadar
- 95.G.Saravanakumar
- 96.P.Paul Rajanayagam Nadar
- 97.K.Paramasivan Nadar
- 98.K.Marimuthu Nadar
- 99.G.Ponraj Nadar
- 100.S.Balamurugan Nadar
- 101.D.R.Mani Nadar
- 102.R.Jeyachandran Nadar
- 103.D.Thangapalavesam Nadar
- 104.N.Vairavasamy Nadar
- 105.J.Rengaraj
- 106.M.Madan Nadar
- 107.R.Manavalan Nadar
- 108.J.Thangavijayan
- 109.R.Palpandian
- 110.V.L.G.Chandrasekaran
- 111.M.Rajaguru
- 112.V.L.G.T.Ayyasamy
- 113.R.Manoharan
- 114.C.R.Manendran
- 115.P.S.V.Chermakumar



- 116.G.Thanasing Nadar
- 117.T.Gandhi Nadar
- 118.G.Danabal Nadar
- 119.G.Sachin @ Ayyanar Murugan
- 120.K.Jeyabalan Nadar
- 121.T.Rajagopal
- 122.D.Karthikeyan
- 123.A.Balaji
- 124.S.Saravanan
- 125.T.Senthilkumar
- 126.R.Saravana Kumar
- 127.R.Ramesh
- 128.M.G.R.V.T.Thangam Nadar
- 129.M.Sivalingam Nadar
- 130.T.Chandrasekar Nadar
- 131.C.Chelladurai
- 132.T.Ramakrishnan
- 133.V.Thenraj
- 134.G.Arjunan
- 135.P.Pitchumani
- 136.A.R.Ponraj Nadar
- 137.A.R.Thangarathinam
- 138.A.Ayyamperumal
- 139.S.Jeyaraj
- 140.M.Kasirajan
- 141.M.Balamurugan
- 142.R.Ariya Prakash
- 143.S.Balakrishnan
- 144.E.Valvangi Nadar
- 145.T.Manthirammoorthy
- 146.M.Karuppasamy Nadar
- 147.V.Ganesan
- 148.M.Ponraj
- 149.M.A.Muthupandi
- 150.A.Udayakumar
- 151.P.Jeyavelmurugan
- 152.G.Maharajan
- 153.G.Balasubramanian
- 154.P.S.V.Senthilkumar
- 155.T.Selvakumar
- 156.P.Thiraviyarathinam
- 157.M.Ayyappasamy Nadar
- 158.R.Mariappan Nadar
- 159.T.Anandarajan
- 160.P.Thangadurai Nadar
- 161.S.Ponpergu Pandian
- 162.C.Rathinamoorthy
- 163.K.Thangamurugan
- 164.S.Sivalinga Nadar
- 165.C.Nagarathinam
- 166.R.Venkatesh



167. T.Jegannathan

168.D.Mahendran

169.S.Balasubramanian Nadar ... Respondents in WP(MD)No.19467/2016

(R4 to R 169 are impleaded vide Court order dated 23.11.17 in WMP(MD)Nos.9982 & 9983/2017)

1.1.THE DIRECTOR OF COLLEGIATE EDUCATION,
COLLEGE ROAD, NUNGAMPAKKAM,
CHENNAI 600 006.

2 THE JOINT DIRECTOR OF COLLEGIATE EDUCATION,
TIRUNELVELI REGION, TIRUNELVELI.

3 A. RAJENDRAN, S/O. ANIMUTHU NADAR,
GENERAL MANAGER,
MOUNTAIN SPINNING MILLS LIMITED.
28/93-C/6H/1 KANDHAN COLONY 2ND STREET,
THOOTHUKUDI 8. ... Respondents in WP(MD)No. 3869/ 2016

2.1.THE DISTRICT REGISTRAR
(SOCIETY REGISTRATION), THE DISTRICT REGISTRAR OFFICE,
POLEPETTAI, THOOTHUKUDI.

2 THOOTHUKUDI VIRUDHUNAGAR
HINDU NADARGAL DHARMA PARIPALANA SEBHAI,
REP. BY ITS THE PRESIDENT /SECRETARY,
NO. 78, DEVARPURAM ROAD, THOOTHUKUDI DISTRICT.

3 THOOTHUKUDI NADARGAL MAGAMAI,
REP. BY ITS THE PRESIDENT/SECRETARY,
72, TOOVIPURAM MAIN ROAD,
THOOTHUKUDI DISTRICT - 628 003.

4 THIRUMANGALAM PANDIAKULA SATHRIYA
NADARGAL URAVINMURAI SERTHA THOOTHUKUDI,
MELAPETTAI NADARGAL URARINMURAI,
THE PRESIDENT/SECRETARY,
85/2,ETTAIYAPURAM ROAD, THOOTHUKUDI.

5 THOOTHUKUDI ARUPPUKOTTAI HINDU
NADARGAL MAGAMAI PARIPALANA SANGAM,
REP. BY ITS THE PRESIDENT/SECRETARY,
225, W.G.C.ROAD, THOOTHUKUDI - 628 001.

6 VADATHISAI HINDU NADARGAL DHARMA
KARAPETTIA PARIPALANA SANGAM,
REP. BY ITS THE PRESIDENT/SECRETARY,
274, GREAT COTTON ROAD, THOOTHUKUDI.



3. 1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

5 A.NADARAJAN, S/O.T.ARUNACHALA SAMY NADAR,
108A, SHANMUGAPURAM PROPER, THOOTHUKUDI-01.

[R5-IMPLEADED AS PER ORDER DATED 09.09.14 IN MP.2/14]

... Respondents in WP(MD)No. 11023/ 2014

4. 1 THE STATE OF TAMI NADU REP BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLELGE ROAD, CHENNAI 600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN-628 002, TUTICORIN DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN-628 003, TUTICORIN DISTRICT.

5 THOOTHUKUDI VADADHISAI HINDU
NADAR MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
REP BY ITS SECRETARY,
GREAT COTTON ROAD, THOOTHUKUDI TOWN.

... Respondents in WP(MD)No. 705/ 2015

5.1 THE DISTRICT REGISTRAR THE DISTRICT REGISTER OFFICE,
POLEPETTAI, THOOTHUKUDI.

2 V.M.G RAJASEKARAN, S/O. V.M GNANASABABATHI,
HANUMAN COFFEE COMPANY,
SOUTH CAR STREET, VIRUDHUNAGAR.

3 S.K.S.C. NADARAJAN,
S/O. S.K.S. CHINNADURAI NADAR,
NO. 166, CARPENTER STREET, THOOTHUKUDI-1.



4 C.S.RAJENDRAN, S/O.C.SHUNMUGAM,
45, NEW COLONY, THOOTHUKUDI.

5 THIRUMANGALAM PANDIYAKULLA SHATHRIYA
NADARGAR MAGAMAI PARIPALANA SANGAM,
REP. BY ITS SECRETARY, P.RAVIKUMAR,
S/O.PALANIVEL NADAR, 85/2,
ETTAYAPURAM ROAD, THOOTHUKUDI.

6 THOOTHUKUDI NADARGAR MAGAMAI
REP. BY ITS SECRETARY,
P.CHANDRASEKAR, S/O.PATCHAIKANI NADAR,
72, TOOVIPURAM MAIN ROAD, THOOTHUKUDI.

7 THOOTHUKUDI ARUPUKOTTAI HINDU NADARGARL
PENPADASALAI MAGAMAI PARIPALANA SANGAM,
REP. BY ITS SECRETARY, M.RAMDAS,
S/O.MEENAKSHISUNDARAM, 225, W.G.C.ROAD,
THOOTHUKUDI.

(R4 TO 7 ARE IMPEADED VIDE COURT ORDER DATED 06/10/16
IN WMP(MD)NOS.5946 & 5948/16 BY VBDJ)

... Respondents in WP(MD)No. 19710/ 2015

6.1 THE DISTRICT REGISTRAR(SOCIETY REGISTRATION),
THE DISTRICT REGISTRAR OFFICE,
POLEPETTAI, THOOTHUKUDI - 628 002

2 THE TUTICORIN EDUCATIONAL SOCIETY,
REP. BY ITS SECRETARY,
NO.488/1, TIRUCHENDUR ROAD,
TUTICORIN - 628 003

3 C.S.RAJENDRAN,
S/O.C.SHUNMUGAM,
45, NEW COLONY, THOOTHUKUDI.

4 A.RAJENDRAN,
S/O.ANIMUTHU NADAR,
28/93-C/6H/1 KANDHAN COLONY 2ND STREET,
THOOTHUKUDI - 8

... Respondents in WP(MD)No. 24058/ 2017

7. 1 THE INSPECTOR GENERAL OF REGISTRATION,
(REGISTRATION AND SOCIETIES),
SANTHOM CHURCH ROAD, CHENNAI.

2 THE DISTRICT REGISTRAR,
(REGISTRATION AND SOCIETIES),
THOOTHUKUDI DISTRICT, THOOTHUKUDI.



3 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
REP. BY ITS SECRETARY, GREAT COTTON ROAD,
THOOTHUKUDI TOWN, THOOTHUKUDI DISTRICT

... Respondents in WP(MD)No. 20944/ 2017

8.1 THE INSPECTOR GENERAL OF REGISTRATION,
(REGISTRATION AND SOCIETIES),
SANTHOM CHURCH ROAD, CHENNAI DISTRICT.

2 THE DISTRICT REGISTRAR,
(REGISTRATION AND SOCIETIES),
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

3 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
REP. ITS SECRETARY, GREAT COTTON ROAD,
THOOTHUKUDI TOWN, THOOTHUKUDI DISTRICT.

4 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM, (Reg.No.4/1919)
REP. ITS PRESIDENT, GREAT COTTON ROAD,
THOOTHUKUDI TOWN, THOOTHUKUDI DISTRICT

... Respondents in WP(MD)No. 14835/ 2017

9.1 THE INSPECTOR GENERAL OF REGISTRATION,
(REGISTRATION AND SOCIETIES) SANTHOM CHURCH ROAD,
CHENNAI.

2 THE DISTRICT REGISTRAR,
(REGISTRATION AND SOCIETIES),
THOOTHUKUDI DISTRICT, THOOTHUKUDI.

3 THOOTHUKUDI VADADHISAI HINDU NADIR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
REP. BY ITS SECRETARY, GREAT COTTON ROAD,
THOOTHUKUDI TOWN, THOOTHUKUDI DISTRICT.

... Respondents in WP(MD)No. 14896/ 2017

10.1 THE DISTRICT REIGISTRAR (SOCIETY REGISTRATION),
THE DISTRICT REGISTRAR OFFICE,
POLEPETTAI, THOOTHUKUDI.

2 A.RAJENDRAN, S/O.ANITUTHU NADAR,
GENERAL MANAGER,
MOUNTAIN SPINNING MILLS LTD,
28/93-C/6H/1 KANDHAN COLONY 2ND STREET,
THOOTHUKUDI-8

... Respondents in WP(MD)No. 7767/ 2017

11.1 THE DIRECTOR OF COLLEGIATE EDUCATION,
COLLEGE ROAD, NUNGAMPAKKAM, CHENNAI - 600 006.



2 THE JOINT DIRECTOR OF COLLEGIATE EDUCATION,
TIRUNELVELI REGION, TIRUNELVELI.

3 A. RAJENDRAN,
S/O. ANIMUTHU NADAR,
GENERAL MANAGER, MOUNTAIN SPINNING MILLS LTD.,
28/93-C/6H/1, KANDHAN COLONY 2ND STREET,
THOOTHUKUDI - 8

... Respondents in WP(MD)No. 7808/ 2017

12.1 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO THE GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 006.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN DIST, TUTICORIN.

4 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN, THOOTHUKUDI DIST.

5 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
(REG.NO.4/1919), REP. BY ITS SECRETARY,
GREAT COTTON ROAD, THOOTHUKUDI TOWN,
THOOTHUKUDI DIST.

... Respondents in WP(MD)No. 19905/ 2017

13.1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY
TO THE GOVT., SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 600 006

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN DISTRICT, TUTICORIN.

4 THE DISTRICT EDUCATIONAL,
OFFICER, TUTICORIN, THOOTHUKUDI DISTRICT.

5 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANAGAM,
REP. BY ITS SECRETARY, GREAT COTTON ROAD,
THOOTHUKUDI DISTRICT. (Reg.No.4/1919)



14.1 THE STATE OF TAMIL NADU REP. BY ITS
SECRETARY TO THE GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI - 600 006.

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI - 600 006.

3 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN DISTRICT, TUTICORIN.

4 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN, THOOTHUKUDI DISTRICT.

5 V.P.R.KAMARAJ,
S/O.V.P.RENGASAMY NADAR,
4/132/1, SATE BANK COLONY NORTH,
THOOTHUKUDI DIST-629 002.

6 P.S.P.K.J.SOMU,
S/O.JEYARAJ PANDIYAN,
144E, POLPETTAI WEST,
THOOTHUKUDI DISTRICT-629 002.

7 J.MAHENDRAN,
S/O.JEGADEESAN NADAR,
20A, RAMASAMY PURAM,
THOOTHUKUDI DISTRICT-629 002.

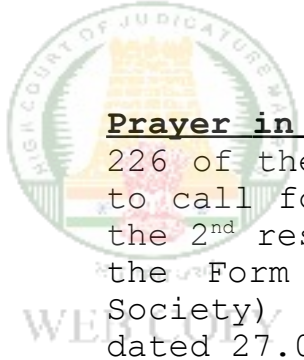
8 G.ANATHRAJ,
S/O.GANESAN NADAR,
54/5, REHAMATHULLAPURAM WEST,
THOOTHUKUDI DISTRICT-629 002.

9 V.KANAGAVEL,
S/O.C.VAIPURITHANGAM,
111/57E, STATE BANK COLONY,
MAIN ROAD, TUTICORIN-628 002.

10 THOOTHUKUDI VADADHISAI HINDU NADAR
MAHAMAI DHARMA KARAPETTAI PARIPALANA SANGAM,
(REG.NO.4/1919), REP. ITS SECRETARY,
GREAT COTTON ROAD,
THOOTHUKUDI TOWN,
THOOTHUKUDI DISTRICT.

(R5 TO 10 ARE IMPEADED VIDE COURT ORDER
DATED 23/11/17 IN WMP(MD)NOS.16057 & 16079/17)

... Respondents in WP(MD)No. 19337/ 2017



Prayer in WP(MD)No.19467/2016: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of certiorari to call for the records in relating to the impugned proceedings of the 2nd respondent District Registrar, dated 02.06.2015 (registering the Form VII for inclusion of 187 members to the petitioner Society) and the consequent proceedings in Na.Ka.No.2514/A3/2016 dated 27.06.2016, quash the same.

1.Prayer in WP(MD)No. 3869/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the proceedings of the 1st respondent in his proceedings Moo.Mu.No.12203/F4/2015 dated 27.03.2015 quash the same and permit the petitioner to continue as the Secretary in Kamaraj College, Thoothukudi till the Registration of Form 7 submitted by the 3rd respondent to the District Registrar(Society Registration), Thoothukudi.

2. Prayer in WP(MD)No. 13144/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order bearing Na.Ka.No. 2870/A3/2016 dated 14.07.2016 passed by the 1st Respondent and quash the same.

3. Prayer in WP(MD)No. 11023/ 2014 :

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 relating to the impugned proceedings of the 4th respondent District Educational Officer in Na.Ka. No. 2852/A3/14 dated 17.06.2014 quash the same.

4. Prayer in WP(MD)No. 705/ 2015 :

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 relating to the impugned proceedings of the 4th respondent District Educational Officer in Na.Ka.No.2852/A3/14 dated 11.12.2014, quash the same, and further direct the DEO to register forthwith Thiru. V. Kanagavel as the secretary of the school for a period of one year w.e.f. 05.09.2014.

5. Prayer in WP(MD)No. 19710/ 2015 :

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 relating to the impugned order bearing A.Thi.Mu. No. 2420/A3/2015 dated 07.04.2015 passed by the 1st respondent to register Form 6 and 7 relating to the Tuticorin Education Society.

**6. Prayer in WP(MD)No. 24058/ 2017 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st respondent to enquire the affairs of the 2nd respondents society and further direct the 1st respondent or any other Independent Body to conduct the election for Tuticorin Educational society, Thoothukudi.

7. Prayer in WP(MD)No. 20944/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st and 2nd respondent to enquire the affairs of the 3rd respondents Society and further direct the 1st and 2nd respondent or any other Independent Body to conduct the election for Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam (Reg.No.4/1919), Thoothukudi with the 774 eligible voters permitted to cast their vote in the earlier election.

8. Prayer in WP(MD)No. 14835/ 2017 :

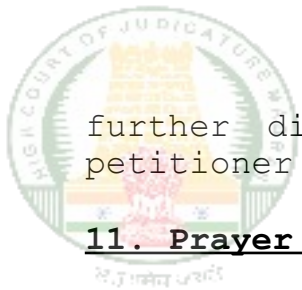
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st and 2nd respondent herein to consider the petitioners representation dated 27.07.2017 and pass necessary orders directing the 3rd respondent herein to follow the order passed by the 2nd respondent herein in Na.Ka.No.2514/A3/2016 dated 27.06.2016 and permit 187 newly added members including the Petitioner herein to participate in the General Body meeting of the Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam Scheduled on 13.08.2017 or any other General Body in future.

9. Prayer in WP(MD)No. 14896/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 1st and 2nd respondent to enquire the affairs of the 3rd respondents society, to enquire about the Annual General Body Meeting of the 3rd respondents society scheduled to be conducted on 13.08.2017 by selectively excluding its members and to ensure the right of all the 774 members of the said society from the hands of the 3rd respondent.

10. Prayer in WP(MD)No. 7767/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court May be pleased issue a Writ of Certiorari or Mandamus or any other appropriate Writ, or direction to call for the proceedings of the 1st respondent in his proceedings AaTheeMoo.No.2017/Aa3/2017 Dated 13.04.2017, quash the same and



further direct the 1st respondent to take Form-7 filed by the petitioner to his file and pass such other further orders.

11. Prayer in WP(MD)No. 7808/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the proceedings of the 1st respondent in his proceedings Moo.Mu.No.5107/F4/2015 dated 26.12.2016 quash the same and approve the petitioner as Secretary of the Kamaraj College, Tiruchendur Road, Tuticorin - 628 003.

12. Prayer in WP(MD)No. 19905/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus, to call for the records of the 4th respondent in O.Mu.No.5368/Aaa3/17 Dated 10.10.2017 despatched to petitioners 16.10.2017, quash the same and further direct the 4th respondent to Approve him as Secretary of Karapettai Nadar Higher Secondary School, Tuticorin till the constitution of fresh School Committee pending disposal of the above Writ Petition.

13. Prayer in WP(MD)No. 19906/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the records of the 4th respondent in O.Mu.No.5368/Aaa3/17 dated 10.10.2017 despatched to petitioner on 16.10.2017, quash the same and further direct the 4th respondent to Approve the petitioner as Secretary of Karapettai Nadar Higher Secondary School, Tuticorin till the constitution of fresh School Committee pending disposal of the above writ petition.

14. Prayer in WP(MD)No. 19337/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to continue as Secretary of Karapettai Nadar Higher Secondary School, Tuticorin till the constitution of fresh School Committee pending disposal of the above Writ Petition.

WP (MD) No. 19467/2016:

For Petitioner	: Mr.Isaac Mohahlal Senior Counsel for Mr.T.Cibi Chakraboorthy
For Respondents R1 & R2	: Mr.M.Murugan Government Advocate
For Respondent R3	: Mrs.Chitra Sampath Senior Counsel for Mr.Niranjana S.Kumar



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For Petitioner

- : Mr.K.N.Govardhanan
in WP(MD)Nos.3869/2016, 7808/2017
7767/2017,
- : Mr.T.Antony Arul Raj in
in WP(MD)Nos.13144/2016,
19710/2015
- : Mr.Issac Mohanlal, Senior Counsel
for Mr.T.Cibichakraboorthy in
WP(MD)Nos.11023/2014, 705/2015
- : Mr.G.Prabhu Rajadurai,
for Mr.P.Pethu Rajesh
in WP(MD)Nos.24058/2017, 14896/2017
19905/2017, 19906/2017, 19337/2017
- : Mr.V.Meenakshi Sundaram
in WP(MD)No.14835/2017
- : M/s.Chitra Sampath, Senior Counsel
for Mr.Niranjana S.Kumar
in WP(MD)No.20944/2017

For Respondents

- : Mr.M.Murugan, Government Advocate,
for R1, R2 in WP Nos.3869/16,
20944/17, 14896/17, 14835/17
- : for R1 in WP(MD)Nos.13144/16,
19710/15, 24058/17
- : for R1 to R4 in WP(MD)No.11023/14,
WP(MD)Nos.705/15, 19905/17,
19906/17, and 19337/17
- : for R2 in WP(MD)Nos.7808/17
Mr.M.Murugan, Government Advocate,
for R1 in WP(MD)No.7767/17
- : Mr.T.Antony Arul Raj
for R3 in WP(MD)Nos.3869/16, 7808/17

for R2 & R4 in WP(MD)No.24058/17

for R2 in WP(MD)No.7767/17
- : Mr.C.T.Perumal for R5
in WP(MD)No.11023/14
- : Mr.K.N.Govardhanan, for R4
in WP(MD)No.19710/15
- : Mr.P.Pethu Rajesh for R2 , R3
in WP(MD)Nos.19710/15,



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R2 to R5 in WP(MD)No.13144/16

- : Mr.K.Prabhu for R5 to R9
in WP(MD)No.19337/17
for R6 in WP(MD)No.13144/16
- : Mr.R.Balakrishnan, for R5 to R7
in WP(MD)No.19710/15
- : Mr.Issac Mohanlal, Senior Counsel,
for M/s.Issac Chambers in R3 in
WP(MD)Nos.20944/17, 14896/17,
14835/17,
- : for R5 in WP(MD)Nos.19905/17,19906/17
- : R10 in WP(MD)No.19337/17
- : Mr.Niranjan S.Kumar, for R4
in WP(MD)No.14835/17

COMMON ORDER

There are 15 Writ petitions in total. All the Writ petitions are pertaining to the affairs of the functioning of the parent society, namely, "Thoothukudi Vadathisai Hindu Nadar Mahamai Dharmakarapettai Paripalana Sangam" bearing Regn.No.4 of 1919 which is registered under the Tamil Nadu Societies Registration Act, 1860.

2. The petitioner in the present Writ petition is the parent society which administers the educational institutions, namely, Boys Higher Secondary school, Girls Higher Secondary School and Kamaraj College, Tuticorin. The facts in detail, which are necessary in order to have a glimpse over the genesis of the litigations filed before this Court, are stated hereunder:

2(i). As per the Bye Laws of the petitioner society which was registered in 1919 under Tamil Nadu Societies Registration Act,1860. The office bearers were elected triennium i.e., once in three years, the last of which was held for triennium of 2008-2009 to 2010-2011 without any dispute. The said triennium came to an end on 30.06.2011. Thereafter it appears that an advance notice was issued by the General Body on 30.07.2011 and election was scheduled on 28.08.2011. The Agenda fixing the election was challenged by a member of the society in O.S.No.434 of 2011 in the Court of the Principal District Munsif, Tuticorin seeking for permanent injunction restraining the defendants from passing any resolution and conducting any election as per the Agenda fixed for the meeting. Along with the suit, an I.A.No.1443 of 2011 was also filed for interim injunction. By order dated 26.08.2011, the learned trial Court granted interim injunction restraining the society from



conducting election until a decision was taken by the General Body in the meeting which was scheduled to be held on 28.08.2011. Accordingly, the society formed a 7 member committee to conduct an enquiry with regard to the membership of the society on 15.04.2012.

2(ii). While so, another suit in O.S.No.152 of 2012 was laid by few members of the Society in the Sub-ordinate Court, Tuticorin, seeking declaration that continuation of the existing office-bearers was illegal and to appoint neutral persons to conduct election after finalizing the membership. This suit was filed on the ground that as per Bye-law 10(b) of the Society's Bye laws, in the absence of any election, the old office-bearers to be continued to hold the office. In the above suit, interlocutory applications in I.A.No.677 & 678 of 2012 were filed. I.A.677 of 2012 was for grant of interim injunction restraining the respondents/defendants therein from functioning as office-bearers and I.A.No.678 of 2012 was for appointment of Advocate-Commissioner for holding enquiry and finalizing the list of members of the society. The learned Sub-ordinate Judge dismissed I.A.No.677 of 2012 by order dated 31.07.2012, however, appointed an Advocate Commissioner with reference to I.A.No.678 of 2012. As against the said order of the learned Sub-ordinate Judge in I.A.No.678 of 2012, the respondents/defendants therein filed a revision petition before this Court in C.R.P.(PD) (MD). No.1839 of 2012 on 27.08.2012 and this Court granted interim stay in M.P.(MD)No.1 of 2012 on 10.09.2012. On 27.02.2013, the interim stay was also extended until further orders.

2(iii) On 17.04.2013, a learned Judge of this Court passed interim orders in the C.R.P.(PD) (MD). No.1839 of 2012 with the consent of rival parties. The order of the learned Judge on 17.04.2013 is extracted hereunder:

"(i) The committee of seven persons who were entrusted with the job of collecting application forms as per the resolution passed in the General Body Meeting held on 15.04.2012, shall receive applications from all persons who want to become members of the society, provided the applications are received on or before 08.05.2013.

(ii) After collecting the applications and after verifying the list of existing members, the committee of seven members is directed to publish a tentative list in the society office and exhibit the same in the notice board on or before 24.05.2013.

(iii) Any person who has got any objection about his non inclusion or improper inclusion of any person as a member, can file objection to the voters list on or before 05.06.2013 to the committee aforesaid and the objections on the tentative voters list prepared by the committee of seven members, shall be forwarded to the District Registrar of Societies, Tuticorin, and the District Registrar is directed to consider the objections and prepare the final list of voters on or before 19.06.2013. Thereafter, the parties can approach the Court for fixing the date for holding of the elections.



(iv) The members are entitled to renew their subscription by making direct payment after establishing their identity"

2(iv) In terms of the directions of this Court, Seven Member Committee received applications from eligible members till 08.05.2013 and thereafter, a tentative voters' list was also published in the Society office Notice Board on 23.05.2013. Some objections were received and finally on 11.06.2013, the society forwarded the tentative voters list along with the objections and report to the District Registrar, Tuticorin. Finally on 18.06.2013, the District Registrar after providing opportunities to all the parties and considering the objections and the report of the Seven Member Committee and finalized the voters list by its proceedings. Thereafter, the learned Judge of this Court has passed final order on 28.10.2013. The order of the learned Judge is extracted hereunder:

17. From the above discussions, this Court is of the view:-

(1) As per the first defendant's society bye-laws the election to be conducted once in three years, but this was not done after 30.06.2011, therefore, the election of the society is of paramount importance.

(2) The Trial Court has passed impugned order in I.A.No.678 of 2012 in O.S.No.152 of 2012, dated 31.07.2012 by the learned Sub-Judge, Tuticorin, is an appropriate order i.e., giving direction to the learned Advocate Commissioner to conduct the election for the society as per bye-laws and after deleting illegible members from the society and include eligible members of the society after giving an opportunity and to contest the election for the society. This order is found to be suitable to proceed with since the said impugned order will not be prejudiced to either parties.

(3) This Court's further view that the learned Advocates form the second tier of the judiciary and their profession is a noble one, on behalf of the judicial officer, the Court appointing advocates as commissioner is to act on behalf of them to carry out certain legal-works, as such, the trial Court has appointed the Advocate Commissioner to contest the election for the society in a fair manner by rectifying certain irregularities of the society. This order has been passed on merits after considering the averments of the parties and the legal submissions made by the learned counsels, as such, the impugned order is sustainable under law.

(4) All the parties herein are willing to contest the society election in a fair manner as per the bye-laws and especially once in three years. Therefore, if the election conducted by the learned Advocate Commissioner as per the Trial Court order, then no one will be prejudiced and it will safeguard the welfare of the society. The second interim order passed on 17.04.2013 by this Court after obtaining consent from both parties. However, the earlier impugned order passed in I.A.No.678 of 2012 in O.S.No.152 of 2012, dated 31.07.2012, is not found to be invalid or illegal. Therefore, the impugned order of the Trial Court does not find any discrepancy or infirmities or short coming or irregularities or illegalities or lapses whatsoever.



(5) As per the Court's direction dated 17.04.2013, the District Registrar has scrutinized the voters list and the same has been published on the notice board at the notice board of the Association. 127 members have submitted their applications to enroll their membership, these applications were rejected, since no office bears proposed and no member of the Society seconded it as per the bye-laws of the Association. This Court's view at present is that no office bearers are functioning since their three years terms were over. Therefore, 127 membership applications shall be admitted for membership of the society.

(6) This Hon'ble Court had not granted any interim order in the writ petition in W.P(MD)No.4607 of 2012 filed by the third respondent herein to prevent the conducting of the election for the society. Therefore, the impugned order of the trial Court shall not be interfered with."

2(v). Against the above order passed by the learned Judge of this Court in C.R.P.(PD) (MD). No.1839 of 2012, a Special Leave Petition was filed before the Supreme Court of India and the same was dismissed on 17.01.2014. In the meanwhile, the learned Sub-Judge passed an order on 7.11.2013, appointing fresh Advocate Commissioner in I.A.No.678 of 2012 and further passed an order on 25.04.2014, directing the society to conduct election and reported the same on 16.06.2014. As against this order, another revision petition in C.R.P.(PD) (MD). No.1053 of 2014 was filed by the society and this Court by order dated 07.05.2014, directed the society to conduct election on 18.06.2014 and report compliance. Thereafter, the society conducted the election on 18.06.2014. In the election conducted on 18.06.2014, the newly admitted 127 members had also participated. Finally, the C.R.P.(PD) (MD). No.1053 of 2014 was dismissed on 18.09.2014 and thereafter the results were declared. Subsequently on 24.09.2014 new office-bearers assumed the office and they are continuing.

2(vi) While matters stood thus, on 17.01.2015, the President of the Society, namely, the 3rd respondent herein submitted Form VII to the District Registrar by including 187 new members without any General Body's resolution to that effect. On 13.2.2015, the Secretary, the petitioner herein also submitted Form VII to the District Registrar. It is relevant to mention here that originally Seven Member Committee had recommended inclusion of 127 members in addition to the existing members but ultimately, it was found that 4 out of 127 names were represented more than once and 2 members did not pay the subscription fee and therefore by deleting their names, the additional members became 121 and the 3rd respondent has added 66 more members and made it as 187 members and submitted Form VII. In effect, there were two Form VII were submitted to the District Registrar, one by the petitioner and other by the 3rd respondent.

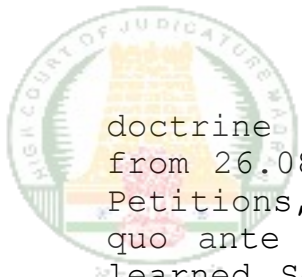
2(vii) In the above circumstances, with a view to put end to the controversy, the society called for a General Body meeting on



22.05.2016 and an advertisement was made in this regard in the Tamil daily "Dina Thanthi" on 29.04.2016. Against the call of the General Body Meeting, the Writ petition was filed by one Mr.T.Thangamani in W.P.(MD).No.9133 of 2016 and another Writ petition was filed in W.P.(MD).No.9236 of 2016 by a member and the learned Judge of this Court vide order dated 18.05.2016 directed the society to permit 187 members to take part in General Body Meeting scheduled to be held on 22.05.2016. While these petitions are pending, the District Registrar called for an enquiry and on the behalf of the petitioner a reply was submitted. Further vide impugned proceedings dated 27.06.2016, accepted the Form VII submitted by the 3rd respondent including 187 members and directed the society to receive the fee and invite all of them to the General Body meeting. In the above said circumstances, the present Writ petition in W.P.(MD).No.19467 of 2016 has been filed seeking to quash the impugned action of the 2nd respondent/District Registrar. Thereafter, it appears that number of Writ Petitions have been filed by one member or the other and all of them are listed and heard by this Court.

3. In the back drop of the above facts which were narrated, the learned Senior Counsel, Mr.Isaac Mohanlal appearing for the petitioner would submit that the starting point of the entire controversy as between the parties was the laying of two suits by the members, viz., one in O.S.No.434 of 2011 and another in O.S.No.152 of 2012. In view of the certain order passed in the interlocutory applications filed in the above suits, C.R.P.(PD) (MD).No.1839 of 2012 and C.R.P.(PD) (MD). No.1053 of 2014 came to be filed before this Court and in the said C.R.Ps., the learned Judges of this Court had passed interim directions as well as impugned directions which further gave rise to the addition of members by Seven Member Committee and also by the Advocate Commissioner appointed by the Civil Court. Not satisfied with the addition of 127 members and the President has included 66 members who were already removed by a valid resolution of the General Body of the Society as evidenced by resolutions of the General Body Meeting dated 03.03.2013. In the said General Body Meeting, resolution No.3 was passed removing the 66 members and which resolution admittedly has not been put to challenge by the removed members. Therefore, the learned senior counsel would submit that the 3rd respondent cannot include those 66 members who were validly removed by the resolution of the General Body of the Society on 03.03.2013.

4. The learned Senior Counsel would further submit that in any event, the genesis of the problems and raging controversies between the parties arose as fall-out of two suits filed before the Sub-ordinate Civil Court in O.S.No.434 of 2011 and O.S.No.152 of 2012, which suits were ultimately came to be dismissed. The suit in O.S.No.434 of 2011 was dismissed on 03.09.2015 and the other suit in O.S.No.152 of 2012 was dismissed on 08.11.2017. Since, both suits were ultimately dismissed and any interim orders passed during the pendency of the suits has to be reversed by applying the

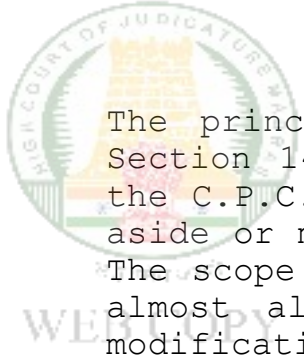


doctrine of restitution, in which event, the orders passed right from 26.08.2011 and until recently by this Court in Civil Revision Petitions, will have to go lock, stock and barrel and the status quo ante has to be restored. In support of his contentions, the learned Senior Counsel would rely upon a decision of the Hon'ble supreme Court of India reported in "(2003) 8 SCC 648 (South Eastern Coalfields Ltd. versus State of M.P. and others). He would draw the attention of this Court to Paragraphs 25 to 28 of the Judgement on the principle of restitution. These paragraphs are extracted hereunder:

'25. On the principle which we have upheld just hereinabove, it would not have been necessary to enter into this aspect of the issue; however, it becomes necessary to deal therewith inasmuch as it was submitted on behalf of the consumers/purchasers that their non-payment of enhanced amount of royalty was protected by judicial orders, though of interim nature, passed by the courts, and therefore they should not be held liable for payment of interest so long as the money was withheld under the protective umbrella of the court order. Merely because the writ petitions were finally held liable to be dismissed, it cannot be urged that the interim orders passed by the Courts were erroneous. Soon on dismissal of their writ petitions, the payment of the enhanced amount of royalty which was disputed earlier was promptly cleared by the writ petitioners and, therefore, their act was bona fide. We find no merit in this submission either.

"26. In our opinion, the principle of restitution takes care of this submission. The word 'restitution' in its etymological sense means restoring to a party on the modification, variation or reversal of a decree or order, what has been lost to him in execution or decree or order or the court or in direct consequence of a decree or order (See : Zafar Khan and Ors. v. Board of Revenue, U.P., and Ors., . In law, the term 'restitution' is used in three senses; (i) return or restoration of some specific thing to its rightful owner or status; (ii) compensation for benefits derived from a wrong done to another; (iii) compensation or reparation for the loss caused to another. (See Black's Law Dictionary, Seventh Edition, p.1315). The Law of Contracts by John D. Calamari & Joseph M. Perillo has been quoted by Black to say that 'restitution' is an ambiguous term, sometimes referring to the disgorging of something which has been taken and at times referring to compensation for injury done.

"Often, the result in either meaning of the term would be the same. Unjust impoverishment as well as unjust enrichment is a ground for restitution. If the defendant is guilty of a non-tortuous misrepresentation, the measure of recovery is not rigid but, as in other cases of restitution, such factors as relative fault, the agreed upon risks, and the fairness of alternative risk allocations not agreed upon and not attributable to the fault of either party need to be weighed."



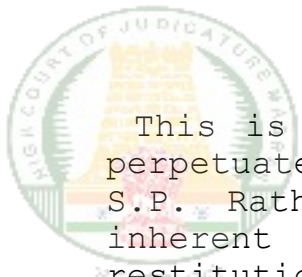
The principle of restitution has been statutorily recognized in Section 144 of the Code of Civil Procedure, 1908. Section 144 of the C.P.C. speaks not only of a decree being varied, reversed, set aside or modified but also includes an order on par with a decree. The scope of the provision is wide enough so as to include therein almost all the kinds of variation, reversal, setting aside or modification of a decree or order. The interim order passed by the Court merges into a final decision. The validity of an interim order, passed in favour of a party, stands reversed in the event of final decision going against the party successful at the interim stage. Unless otherwise ordered by the Court, the successful party at the end would be justified with all expediency in demanding compensation and being placed in the same situation in which it would have been if the interim order would not have been passed against it. The successful party can demand (a) the delivery of benefit earned by the opposite party under the interim order of the court, or (b) to make restitution for what it has lost; and it is the duty of the court to do so unless it feels that in the facts and on the circumstances of the case, the restitution would far from meeting the ends of justice, would rather defeat the same. Undoing the effect of an interim order by resorting to principles of restitution is an obligation of the party, who has gained by the interim order of the Court, so as to wipe out the effect of the interim order passed which, in view of the reasoning adopted by the court at the stage of final decision, the court earlier would not or ought not to have passed. There is nothing, wrong in an effort being made to restore the parties to the same position in which they would have been if the interim order would not have existed.

"27. Section 144 of the C.P.C. is not the fountain source of restitution; it is rather a statutory recognition of a pre-existing rule of justice, equity and fair play. That is why it is often held that even away from Section 144 the Court has inherent jurisdiction to order restitution so as to do complete justice between the parties. In *Jai Berham v. Kedar Nath Marwari* (1922) 49 LA. 351, their Lordships of the Privy council said:

"It is the duty of the Court under Section 144 of the Civil Procedure Code to place the parties in the position which they would have occupied but for such decree or such part thereof as has been varied or reversed. Nor indeed does this duty or jurisdiction arise merely under the said section. It is inherent in the general jurisdiction of the Court to act rightly and fairly according to the circumstances towards all parties involved."

Cairns, L.C., said in *Rodger v. Comptoir d'Escompte de Paris*, (1871) L.R. 3 P.C.:

"One of the first and highest duties of all Courts is to take care that the act of the Court does no injury to any of the suitors and when the expression, the act of the Court is used, it does not mean merely the act of the primary Court, or of any intermediate Court or of any court below the act of the Court as a whole from the lowest court which entertains jurisdiction over the matter up to the highest Court which finally disposes of the case".



This is also on the principle that a wrong order should not be perpetuated by keeping it alive and respecting it, A.A. Nadar v. S.P. Rathinasami, (1971) 1 MLJ 220. In the exercise of such inherent power the Courts have applied the principles of restitution to myriad situations not strictly falling within the terms of Section 144.

"28. That no one shall suffer by an act of the court is not a rule confined to an erroneous act of the court; the 'act of the court' embraces within its sweep all such acts as to which the court may form an opinion in any legal proceedings that the court would not have so acted had it been correctly apprised of the facts and the law. The factor attracting applicability of restitution is not the act of the Court being wrongful or a mistake or error committed by the Court; the test is whether on account of an act of the party persuading the Court to pass an order held at the end as not sustainable, has resulted in one party gaining an advantage which it would not have otherwise corned, or the other party has suffered an impoverishment which it would not have suffered but for the order of the Court and the set of such party. The quantum of restitution, depending on the facts and circumstances of a given case, may take into consideration not only what the party excluded would have made but also what the party under obligation has or might reasonably have made. There is nothing wrong in the parties demanding being placed in the same position in which they would have been had the court not intervened by its interim order when at the end of the proceedings the court pronounces its judicial verdict which does not match with and countenance its own interim verdict. Whenever called upon to adjudicate, the court would act in conjunction with what is the real and substantial justice. The injury, if any, caused by the act of the court shall be undone and the gain which the party would have earned unless it was interdicted by the order of the court would be restored to or conferred on the party by suitably commanding the party liable to do so. Any opinion to the contrary would lead to unjust if not disastrous consequences. Litigation may turn into a fruitful industry. Though litigation is not gambling yet there is an element of chance in every litigation. Unscrupulous litigants may feel encouraged to approach the Courts, persuading the court to pass interlocutory orders favourable to them by making out a prima facie case when the issues are yet to be heard and determined on merits and if the concept of restitution is excluded from application to interim orders, then the litigant would stand to gain by swallowing the benefits yielding out of the interim order even though the battle has been lost at the end. This cannot be countenanced, we are, therefore, of the opinion that the successful party finally held entitled to a relief assessable in terms of money at the end of the litigation, is entitled to be compensated by award of interest at a suitable reasonable rate for the period for which the release order of the court withholding the release of money had remained in operation.'"



5. The learned Senior Counsel would also rely upon decision of the Hon'ble Supreme Court of India, reported in "(2010) 9 SCC 437 (kalabharati advertising versus Hemant Vimalnath Narichania and others). He would particularly draw attention of this Court to paragraphs 15, 22, 23, 35 and 37 which are extracted hereunder:

"Case dismissed/withdrawn-Effect on interim relief.

15. No litigant can derive any benefit from the mere pendency of a case in a Court of Law, as the interim order always merges into the final order to be passed in the case and if the case is ultimately dismissed, the interim order stands nullified automatically. A party cannot be allowed to take any benefit of his own wrongs by getting an interim order and thereafter blame the Court. The fact that the case is found, ultimately, devoid of any merit, or the party withdrew the writ petition, shows that a frivolous writ petition had been filed. The maxim "Actus Curiae neminem gravabit", which means that the act of the Court shall prejudice no-one, becomes applicable in such a case. In such a situation the Court is under an obligation to undo the wrong done to a party by the act of the Court. Thus, any undeserved or unfair advantage gained by a party invoking the jurisdiction of the Court must be neutralised, as the institution of litigation cannot be permitted to confer any advantage on a party by the delayed action of the Court. [vide: Dr. A.R. Sircar v. State of Uttar Pradesh & Ors., 1993 Supp. (2) SCC 734; Shiv Shanker & Ors. v. Board of Directors, Uttar Pradesh State Road Transport Corporation & Anr., 1995 Supp. (2) SCC 726; the Committee of Management, Arya Inter College, Arya Nagar, Kanpur & Anr. v. Sree Kumar Tiwary & Anr., AIR 1997 SC 3071; GTC Industries Ltd. v. Union of India and Jaipur Municipal Corpn. v. C.L. Mishra.]

"22. It is a settled legal proposition that the forum of the writ court cannot be used for the purpose of giving interim relief as the only and the final relief to any litigant. If the Court comes to the conclusion that the matter requires adjudication by some other appropriate forum and relegates the said party to that forum, it should not grant any interim relief in favour of such a litigant for an interregnum period till the said party approaches the alternative forum and obtains interim relief. (vide: State of Orissa v. Madan Gopal Rungta, AIR 1952 SC 12; Amarsarjit Singh v. State of Punjab, AIR 1962 SC 1305; State of Orissa v. Ram Chandra Dev, AIR 1964 SC 685; State of Bihar v. Rambalak Singh "Balak" & Ors., AIR 1966 SC 1441; and Premier Automobiles Ltd. v. Kamlakar Shantaram Wadke & Ors., AIR 1975 SC 2238).

"23. It is settled proposition that an order of withdrawal of a suit does not amount to a decree of the court, which can be executed. (See: Kandapazha Nadar & Ors. v. Chitraganiammal & Ors. AIR 2007 SC 1575).

"24. to 34.

"35. "Withdrawal" means "to go away or retire from the field of any contest." Thus, the word 'withdrawal' is indicative of the voluntary and conscious decision of a person. Therefore, if the said writ petitioners (respondent Nos. 1 to 5)



have voluntarily abandoned their claim withdrawing the said writ petition, they cannot be permitted to take any benefit of the orders passed by the High Court or the statutory authority in pursuance thereof. Once the foundation is removed, the super-structure is bound to fall. Interim relief is granted only in aid of and as ancillary to the main relief which may be available to the party at the time of final adjudication of the case by the court. In case the orders passed by the High Court and, consequently, by the Corporation are accepted to be in effect even today, it would be tantamount to allowing the writ petition without any adjudication on the issues involved therein.

"36.

"37. In view of the above, appeals deserve to be allowed to the effect that the appellant and the respondent-Society may act as if no order had ever been passed, adversely affecting their contract, by the High Court in Writ Petition No.2366 of 2007 or any statutory authority and they may proceed with the agreement/contract in accordance with law."

6. The learned Senior Counsel would submit that no litigant can derive any benefit from mere pendency of case before the Court of law and if the case ultimately came to be dismissed, the interim orders passed therein, stand nullified automatically. The effect of the above judgment of the Hon'ble Supreme Court is that in case a person manages to get some interim orders from the Court, he cannot be allowed to take undue advantage of the same if he is ultimately unsuccessful in the final outcome of the pending litigation. Therefore, the learned Senior Counsel would submit that in this case, ultimately two suits which gave rise to the litigations and the appointment of Committee, etc., have been ultimately dismissed and therefore, all interim orders which were passed pending disposal of the suits, will have to be reversed by restoring status quo ante.

7. Further, the learned Senior Counsel would rely on the decision of the learned Division Bench of this Court, reported in "(2008) 1 MLJ 1308 (R.Muralidaran Vs District Registrar, South Madras and another)", wherein, the Division Bench of this Court, in categorical terms has held that in matters of electoral dispute, the parties can only approach the Civil Court and it is not open to the District Registrar to adjudicate the factual aspects while accepting Form VII and the acceptance or rejection of Form VII is only a ministerial act and no adjudicating power is vested in the authority. In this case, the learned Senior Counsel would submit that the District Registrar, by the impugned proceedings, has adjudicated the membership issue and therefore, he exceeded the power vested in him by the statute and according to the learned Senior Counsel, the District Registrar ought to have directed the parties to approach competent civil Court to seek appropriate relief in this regard. The learned Senior Counsel, would therefore, submit that the impugned proceedings of the 2nd respondent cannot be



countenanced either in law or on facts and therefore, he would implore this Court to interfere with the impugned proceedings as being illegal and un-sustainable.

8. Per contra, the learned Senior Counsel, Ms.Chitra Sampath, appearing for 3rd respondent would submit that by resolution dated 14.5.2015, the additional membership has been included and in the absence of challenge to the same, the District Registrar is bound to accept the membership list submitted by the 3rd respondent. The learned Senior Counsel would draw the attention of this Court to Form VII submitted by the 3rd respondent, in which, the names of 187 members figured. All of them, according to the learned Senior Counsel, have paid necessary subscription. According to her, 66 members were removed illegally by the earlier dispensation and therefore they were subsequently included after payment of necessary subscription. As regards the dismissal of the suit is concerned, the learned Senior Counsel would submit that the suit was dismissed only on 08.11.2017 which was after the submission of Form VII which Form VII was submitted by the 3rd respondent on 17.01.2015 itself.

9. According to the learned Senior Counsel vide decision of the Executive Committee, these 66 members were admitted on 15.11.2014. Out of 24 executive members, 19 members were present and approved the admission of 12 + 66 members. The learned Senior Counsel would draw the attention of this Court to several paragraphs contained in the affidavit filed in support of the Writ Petition. As regards the objection of the petitioner that the Society has not passed any resolution for admitting 187 members, the learned Senior Counsel would submit that resolution is not necessary at all for admission of members and a decision was validly taken by the Executive Committee on 15.11.2014. Therefore, the learned Senior Counsel would submit that there is nothing legally amiss in regard to the passing of the impugned proceedings by the 2nd respondent and therefore, the learned Senior Counsel would submit that no interference is called for from this Court.

10. The learned Special Government Pleader has also made his submissions on the basis of the records.

11. Although these litigations have a chequered history, however, the core issue of the controversy can be narrowed down to one or two aspects. Firstly, the above said two suits, viz., O.S.Nos.434 of 2011 and 152 of 2012 which gave rise to several orders being passed up to the level of this Court, had been admittedly and eventually dismissed. When ultimately these suits were dismissed, this Court has to see whether whatever orders passed during the pendency of the suits, can be allowed to impact the administration and functioning of the society either in regard to the membership issue or in regard to the convening of the



12. As rightly contended by Mr. Isaac Mohanlal, learned Senior Counsel appearing for the petitioner, the principle of restitution as provided under the Code of Civil Procedure and as laid down by the Hon'ble Supreme Court of India in the aforementioned reported judgments, no litigant can be allowed to take advantage of any interim orders passed by the Court pending finalization of the litigation especially when such litigant finally lost the battle. In this case, admittedly both the suits came to be dismissed ultimately. In which event, whatever events which unfolded during the pendency of the civil suits, including the orders passed by this Court in Civil Revision Petitions, will not have any effect in any manner after disposal of the suits. As held by the Hon'ble Supreme Court of India that once the suits are dismissed finally, any interim orders passed in the suits shall stand nullified and the same will hold good for any orders passed either in the civil suits or in the revision petitions. Therefore, this Court is in agreement with the submissions made on behalf of the petitioner by the learned Senior Counsel in the present Writ Petition.

13. Further, as canvassed by the learned Senior Counsel for the petitioner that in respect of election dispute or adjudication of the membership or regarding the affairs of the society, the proper course for the parties is only to approach the Civil Court, is also to be accepted in terms of the law laid down by the learned Division Bench of this Court in the aforementioned judgment. In this case, obviously the second respondent attempted to adjudicate the rival claims of the parties and took a decision on the basis of adjudication of the membership of the society. Such course is not open to the District Registrar under the scheme of the Societies Registration Act and also in terms of the law laid down by the Division Bench of this Court in the aforesaid mentioned judgment. As held by the learned Division Bench, the act of the District Registrar in accepting or rejecting the Form VII is merely a ministerial act and neither acceptance nor rejection does not determine the rights of the parties. Ultimately, the parties have to resort to civil litigation in order to settle the rival claims as raised in the present Writ Petition.

14. Moreover, this Court is unable to appreciate as to how in every stage the Writ Petitions came to be filed by one or the other members of the society by scuttling the functioning of the society as a whole. There appears to be a litigation galore stymieing the smooth functioning of the society and thereby preventing the society from administering the educational institutions effectively and smoothly. From the facts as narrated above will unequivocally point out that the resolution of dispute between the parties would involve comprehensive adjudicatory process involving settlement of both statement legal as well as factual issues. Such adjudication cannot be undertaken by this Court which is exercising jurisdiction of judicial review under its extraordinary jurisdiction under Article 226 of the Constitution of India.



15. As rightly held by the learned Division Bench of this Court, a proper course for the parties is to approach the competent Civil Court for remedying their grievances in regard to membership issue or in regard to the conduct of election of the General Body. Although some of the parties approached the Civil Court in this regard, but notwithstanding the same, the other parties have chosen to approach this Court and filed as many as 15 Writ Petitions. It appears that each party has his own axe to grind and such dispute cannot be adjudicated by this Court on the basis of mere affidavits and counter affidavits. From the nature of the dispute and the controversy, it requires a detailed evidence both documentary and oral for the Court to come to any definite conclusion towards the comprehensive resolution of the dispute and such comprehensive resolution is not possible by this Court which is exercising its writ jurisdiction.

16. In the above said circumstances, this Court is of the considered view that the impugned proceedings of the 2nd respondent in accepting the list of the additional membership submitted by the 3rd respondent is nothing but amount to adjudication of the disputed claims between the petitioner and 3rd respondent, which is contrary to the scheme of the Societies Registration Act and also the law laid down by the Courts. In the said circumstances, this Court has no hesitation to allow the Writ Petition in W.P.No.19467 of 2016 as prayed for.

17. In the light of the above narrative and the reasons, the Writ Petition in W.P.No.19647 of 2016 is allowed and the impugned order of the 2nd respondent/District Registrar, dated 02.06.2015 (registering the Form VII for inclusion of 187 members to the petitioner Society) and the consequent proceedings in Na.Ka.No.2514/A3/2016 dated 27.06.2016 are hereby set aside. The parties are directed to approach the Competent Civil Court to have their grievances redressed. In case the parties choose to approach the Civil Court, it is open to the Civil Court concerned to decide the issues un-influenced by any observations or the findings of this Court rendered in this order.

18. In view of the ultimate dismissal of the suits as aforementioned between the parties, the order passed in the present Writ Petition will hold good in respect of all other Writ Petitions which were heard in common and accordingly, the other Writ Petitions, viz., 3869 & 13144 of 2016; 11023 of 2014; 705 & 19710 of 2015, 24058, 20944, 14835, 14896, 7767, 7808, 19905, 19906 & 19337 of 2017 are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

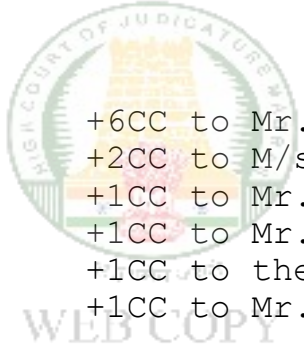
Sd/-

Assistant Registrar(T&P)

/True Copy/



1. THE INSPECTOR GENERAL OF REGISTRATION.
(REGISTRATION AND SOCIETIES)
SANTHOM CHURCH ROAD,
CHENNAI DISTRICT.
2. THE DISTRICT REGISTRAR,
(REGISTRATION AND SOCIETIES)
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
3. THE PRESIDENT,
THOOTHUKUDI VADADHISAI HINDU NADAR MAHAMAI,
DHARMA KARAPETTAI PARIPALANA SANGAM,
GREAT COTTON ROAD,
THOOTHUKUDI TOWN,
THOOTHUKUDI DISTRICT.
4. THE DIRECTOR OF COLLEGIATE EDUCATION,
COLLEGE ROAD,
NUNGAMPAKKAM,
CHENNAI 600 006.
- 5 THE JOINT DIRECTOR OF COLLEGIATE EDUCATION,
TIRUNELVELI REGION,
TIRUNELVELI.
6. THE DISTRICT REGISTRAR (SOCIETY REGISTRATION),
THE DISTRICT REGISTRAR OFFICE,
POLEPETTAI,
THOOTHUKUDI.
7. THE SECRETARY, STATE OF TAMIL NADU,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE,
CHENNAI.
- 8 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD,
CHENNAI.
- 9 THE CHIEF EDUCATIONAL OFFICER,
TUTICORIN,
TUTICORIN DISTRICT.
- 10 THE DISTRICT EDUCATIONAL OFFICER,
TUTICORIN,
TUTICORIN DISTRICT.



+6CC to Mr.T.Antony Arul Raj, Advocate, SR.Nos.92564 to 92569
+2CC to M/s.Isaac Chambers, Advocate, SR.No.93099
+1CC to Mr.P.Pethu Rajesh, Advocate, SR.No.92719
+1CC to Mr.Niranjan S.Kumar, Advocate, SR.No.92988
+1CC to the Special Government Pleader SR.No.92944
+1CC to Mr.D.Nallathambi, Advocate, SR.No.92805

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in W.P.(MD)Nos.19467, 3869 & 13144 of 2016;
11023 of 2014; 705 & 19710 of 2015, 24058, 20944
14835, 14896, 7767, 7808, 19905
19906 & 19337 of 2017
29-10-2018

SUK/SKN

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