



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.03.2019
Delivered on : 08.05.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.A. (MD) No.320 of 2019

Lekshmipuram
College Society,
Eraniel, Neyoor Post,
Kanyakumari District,
Represented by its President

... Appellant / Petitioner
Vs.

1.The District Societies Registrar,
(Admin) (Additional Charge),
Kanyakumari District,
Nagercoil.

2.C.Perumal .. Respondents /Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent, to allow the Appeal and modify the Order dated 25.01.2019 passed in W.P. (MD) .No.24733 of 2018.

Prayer in WP(MD). 24733 of 2018 :

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 proceedings of the respondent in No.2495/A2/2018-2 dated 27.08.2018 and quash the same.

For Appellant	:	Mr.C.Godwin
For R-1	:	Mr.V.R.Shanmuganathan Special Government Pleader
For R-2	:	Mr.K.N.Thambi

JUDGMENT

K. KALYANASUNDARAM, J.

<https://hcservices.ecourts.gov.in/hcservices/> Heard Mr.C.Godwin, learned counsel appearing for the appellant, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the first respondent and Mr.K.N.Thambi,



learned counsel appearing for the second respondent and perused the materials available on record.

2.This Writ Appeal is directed against the order of the learned Single Judge passed in W.P.(MD).No.24733 of 2018 dated 25.01.2019. The appellant filed the Writ Petition to quash the order of the first respondent, whereby, the first respondent while refusing to register the Form-VII filed by the appellant, relegated the appellant to approach the Civil Court.

3.The case of the appellant is that the appellant Society was registered in the year 1964 and the deponent namely Lakshmana Pillai was elected as President of the Society for the term 2012 - 2015, 2015 - 2018 and in the election held on 15.05.2018, he was elected as President for the period of three years from 2018-2021. It is further stated that as soon as the election of the Office Bearer of the Society was over, he filed Form-VII before the first respondent. The first respondent directed the Sub Registrar to conduct an enquiry and to submit a report. But the first respondent without furnishing a copy of the adverse report submitted by the Sub Registrar, directed the appellant to approach the Civil Court for filing Form-VII.

4.The learned Single Judge, considering the grievances expressed by the appellant, directed the first respondent to issue a copy of the adverse report, dated 13.08.2018, within a period of two weeks and granted liberty to the appellant to approach the concerned forum for redressal of the grievances.

5.It is to be noted that the order of the first respondent refusing to register the Form VII filed by the appellant was put to challenge in the writ petition.

6.The issue involved in the Writ Appeal is no longer res integra. In 2005 (2) L.W. 550 (C.M.S. Evangelical Suvi David Memorial Higher Secondary School Committee Vs. The District Registrar, Cheranmahadevi and four others), the Full Bench of this Court considered the relevant provisions of the Act extensively including Sections 14, 15, 36 and 37 of the Act. The purpose of filing Form VII and power of the District Registrar to register the same or to call for further particulars and eventually observed that under Section 36, the Registrar has not been empowered to adjudicate upon the conflicting claims to represent the Society based upon question of fact. In the event the Registrar satisfies himself as to the particulars furnished in Form VII as correct, he should enter the names in the register maintained for the purpose and if he does not satisfy with the particulars and thereby does not accept Form VII, he shall issue a direction relegating the parties to the Civil Court and thereafter shall act as per the order of the Civil Court.



7. The decision has been followed by the subsequent Benches in **(2008) 2 L.W. 75 (R.Muralidaran & 6 others Vs. The District Registrar, South Madras and others)** and **(2008) 7 MLJ 1197 (Tirunelveli CMS-Evangelical Church Vs. District Registrar)**.

8. A similar issue came up for consideration before the Hon'ble Apex Court **in (2004) 11 SCC 247 (A.P.Aboobker Musaliar Vs. District Registrar (G), Kozhikode and Others)**, wherein, it has been held that the District Registrar has only taken into consideration the limited question of accepting the list of members of the governing body. The District Registrar did not adjudicate any dispute as such. The Division Bench of the High Court was right in taking the view that the list accepted by the District Registrar did not become final and if the appellant was aggrieved, it was open to him to establish his right in the competent forum.

9. In the considered view of this Court, the principles laid down in the decisions referred supra would squarely apply to the facts on hand and we find no illegality either in the order impugned in the Writ Petition or the order of the learned Single Judge.

10. In that view of the matter, the Writ Appeal fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

skn

To

The District Societies Registrar,
(Admin) (Additional Charge),
Kanyakumari District,
Nagercoil.

+2CC TO MR.C.GODWIN, Advocate Sr. No.65305 & 65311
+1CC TO MR.K.N.THAMPI, Advocate Sr. No.65290

W.A. (MD) .No.320 of 2019
08.05.2019

KMV (CO)
TR (23.05.2019) 3P 5C