



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

REV.APLW(MD) Nos.28 and 39 of 2019

REV.APLW(MD) No.28 of 2019:

A.DEVARAJAN

... REVIEW PETITIONER 3rd PARTY

Vs

1 MASANAM

...1ST RESPONDENT/PETITIONOER

2.THE STATE OF TAMILNADU
REP. BY ITS SECRETARY
DEPARTMENT OF COLLEGE EDUCATION,
FORT ST. GEORGE CHENNAI-9

3.THE DIRECTOR OF COLLEGIATE EDUCATION
O/O. THE DIRECTOR OF COLLEGE EDUCATION,
EVK SAMBATH BUILDING, COLLEGE ROAD, CHENNAI.

4.THE JOINT DIRECTOR OF COLLEGIATE EDUCATION,
O/O. THE JOINT DIRECTOR OF COLLEGE EDUCATION,
SELLUR ROAD, MADURAI.

5.THE INSPECTOR GENERAL OF REGISTRATION,
NO.100 SANTHOME HIGH ROAD
CHENNAI-28

...RESPONDENTS 2 TO 5/RESPONDENT 1 TO 4

6.THE DISTRICT REGISTRAR,
O/O. DISTRICT REGISTRAR OFFICE,
PERIYAKULAM THENI DISTRICT.

7.PASUMPON MUTHURAMALINGA THEVAR COLLEGE,
REP. BY ITS SECRETARY AND CORRESPONDENT
P.PANDIAN, USILAMPATTI,
MADURAI DISTRICT-625 532

8.P.PANDIAN,
SECRETARY AND CORRESPONDENT
PASUMPON MUTHURAMALINGA THEVAR COLLEGE,

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

USILAMPATTI, MADURAI DISTRICT-625 532



9. THE KALLAR KALVI KAZHAZAM
REGN. NO. 138/1967
REP. BY ITS SECRETARY
USILAMPATTI,
MADURAI DISTRICT

10. THE HONBLE ADMINISTRATOR,
REP. THROUGH THE DEPUTY ADMNISTRATORS,
THE KALLAR KALVI KAZHAZAM
REGN. NO. 138/1967 USILAMPATTY,
MADURAI DISTRICT

... RESPONDENTS 6 TO 10/
RESPONDENTS 5 TO 9

REV.APLW(MD) No.39 of 2019:

K.VEDIMUTHU

... REVIEW PETITIONER THIRD PARTY

Vs

1 MASANAM

... 1ST RESPONDENT/WRIT PETITIONOER

2. THE STATE OF TAMILNADU
REP. BY ITS SECRETARY
DEPARTMENT OF COLLEGE EDUCATION,
FORT ST. GEORGE CHENNAI-9

3. THE DIRECTOR OF COLLEGIATE EDUCATION
O/O. THE DIRECTOR OF COLLEGE EDUCATION,
EVK SAMBATH BUILDING, COLLEGE ROAD, CHENNAI.

4. THE JOINT DIRECTOR OF COLLEGIATE EDUCATION,
O/O. THE JOINT DIRECTOR OF COLLEGE EDUCATION,
SELLUR ROAD, MADURAI. ... RESPONDENTS 2-4/RESPONDENT 1-3

5. THE INSPECTOR GENERAL OF REGISTRATION,
NO.100 SANTHOME HIGH ROAD
CHENNAI-28

6. THE DISTRICT REGISTRAR,
O/O. DISTRICT REGISTRAR OFFICE,
PERIYAKULAM THENI DISTRICT.

7. PASUMPON MUTHURAMALINGA THEVAR COLLEGE,
REP. BY ITS SECRETARY AND CORRESPONDENT
P.PANDIAN, USILAMPATTI,
MADURAI DISTRICT-625 532

8. P. PANDIAN,
SECRETARY AND CORRESPONDENT
PASUMPON MUTHURAMALINGA THEVAR COLLEGE,



USILAMPATTI,
MADURAI DISTRICT-625 532

9. THE KALLAR KALVI KAZHAZAM
REGN. NO. 138/1967
REP. BY ITS SECRETARY
USILAMPATTI,
MADURAI DISTRICT

10. THE HONBLE ADMINISTRATOR,
REP. THROUGH THE DEPUTY ADMINISTRATORS,
THE KALLAR KALVI KAZHAZAM
REGN. NO. 138/1967
USILAMPATTY,
MADURAI DISTRICT

... RESPONDENTS 5- 10/
RESPONDENTS 4 - 9

PRAYER IN REV.APLW(MD) No.28 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Review the order dated 01.02.2019 in W.P(MD) No. 90 of 2019 passed by this Honourable Court and thereby render justice.

Prayer in REV.APLW(MD). 39/ 2019 :

To review and re-consider the order of the Honourable Court dated 01/02/2019 made in WP(MD) No.90 of 2019 on the file of this Honourable Court in so far as clause 7(1) to 7(7) concerned therein, allow the review petition .

Prayer in WP(MD). 90/ 2019 :

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 proceedings of the administrator dated 29.12.2018 and quash the same as illegal and consequently direct the 9th respondent to conduct the election to the 8th respondent society namely Kallar Kalvi Kazhazam on the basis of the list of members as found in FORM VI as on 22.11.2018 in the office of the 5th respondent and in terms of the order passed by this Court in WP(MD)No.22819 of 2019 dated 22.11.2018

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.SURENDRAN, Advocate for the petitioner in REV.APLW(MD) No.28 of 2019, Mr.C.JEGANATHAN, Advocate for M/S.VEERA ASSOCIATES, Advocate for the petitioner in REV.APLW(MD) No. 39 of 2019 and of Mr.VANCHINATHAN, Advocate for R1, and Mr.A.K.BASKARAPANDIAN, Special Government Pleader for R2 to R6, and Mr.E.V.N.SIVA, Advocate for R7 to R9, and Mr.D.NALLATHAMBI, Advocate for R10 in both the petitions, the court made the following order:-



(Order of the Court was made by **S.S.SUNDAR, J.**)

Though initially this Court was reluctant to entertain these Review Petitions, close scrutiny of events and the admitted facts made this Court to entertain the review petition namely Rev.Aplw. (MD)No.39 of 2019.

2.On 29.10.2018, notice for convening General Body of 9th respondent society was issued. It was decided by the Managing Committee that election should also be conducted on 25.11.2018, i.e., on the day of General Body meeting. It is in the meanwhile, a Writ Petition was filed by the first respondent in the review petition in W.P.(MD)No.22815 of 2018 for appointment of an Administrator (A retired Judge of this Court) to conduct the election. The Writ Petition was allowed by consent and the retired Chief Justice of Delhi High Court, Hon'ble Mr.Justice D.MURUGESAN was appointed as Administrator to hold the election in accordance with the bye-laws of the society as well as the direction of this Court in the earlier Writ Petition filed in 2013. The order was passed on 22.11.2018. In the first writ petition filed by the first respondent, there was no whisper about any irregularity in the induction of the new members during 2016-2018 to the society. It is admitted that the term of office by the elected members expired on 30.11.2018. Even though the first respondent and others raised some objections before the Administrator regarding the admission of new members pursuant to the previous election in 2015, the Administrator passed a detailed order after extracting the objections raised by the first respondent and others. Even in the objections, there was no whisper about any mala fides in the admission of new members. The objections are relating to irregularities in the admission process. There was no whisper about denial of admission to any member who had filed application before the Managing Committee. Therefore, there was no scope for any plea regarding denial of membership to any member who has approached earlier before the Managing Committee. It is in the said circumstances, the subsequent Writ Petition was filed in W.P.(MD) No.90 of 2019 challenging the order of Administrator regarding the eligibility of members who have been inducted between 2016 and 2018. Having regard to the scope of the Writ Petition, the order passed in W.P.(MD)No.90 of 2019 permitting additional members to be inducted by the Managing Committee is beyond the scope of the Writ Petition. It is on this ground, we find that the order in W.P.(MD) No.90 of 2019 is liable to be reviewed. Hence, both the Review Petitions are admitted. Though we find no merit in Rev.Aplw.(MD)No.28 of 2019, we prefer to dispose of Rev.Aplw.(MD) No.28 of 2019 along with Rev.Aplw.(MD)No.39 of 2019. If the election to the General Body is proceeded with the newly admitted members who are three times the size of the existing members, it will be an unfair election. We find prima facie case and balance of convenience in favour of the petitioner in Rev. Aplw.(MD)No.39 of 2019.



3.The review petitions are admitted and the order passed in W.P.(MD)No.90 of 2019 is suspended. Consequently, we request the Administrator not to proceed with the election until further orders.

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sd/-
25/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE SECRETARY, STATE OF TAMILNADU
DEPARTMENT OF COLLEGE EDUCATION,
FORT ST. GEORGE CHENNAI-9
 - 2.THE DIRECTOR OF COLLEGIATE EDUCATION
O/O. THE DIRECTOR OF COLLEGE EDUCATION,
EVK SAMBATH BUILDING, COLLEGE ROAD, CHENNAI.
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SELLUR ROAD, MADURAI.
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 - 5.THE DISTRICT REGISTRAR,
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 - 6.THE DEPUTY ADMNISTRATORS,
THE HONBLE ADMINISTRATOR,
THE KALLAR KALVI KAZHAZAM
REGN. NO.138/1967 USILAMPATTY, MADURAI DISTRICT
- +2. C.C. to Mr.K.SURENDRAN Advocate SR.No.62867,63043,
+1. C.C. to Mr.S.VANCHINATHAN Advocate SR.No.7318
+1. C.C. to Mr.K.K.SENTHIL Advocate SR.No.7377
+1. C.C. to Mr.D.NALLATHAMBI Advocate SR.No.7408
+1. C.C. to Mr.E.V.N.SIVA Advocate SR.No.7370
+1. C.C. to M/S.VEERA ASSOCIATES Advocate SR.No.7294

ORDER IN
REV.APLW(MD) Nos.28 and 39 of
2019

Date :25/04/2019