



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8006 of 2020

WEB COPY

S.K.S.C.Natarajan

... Petitioner

Vs.

1.The Inspector General of Registration,
(Registration and Societies)
Santhom Churuch Road,
Chennai District.

2.The District Registrar (Societies),
Thoothukudi,
Thoothukudi District.

3.P.Vinayagamoorthy
Secretary,
Thoothukudi Vadadhisai Hindu Nadar Mahamai,
Dharma Karapettai Paripalana Sangam,
(Reg.No.4/1919),
No.274, Great Cotton Road,
Thoothukudi Town,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent herein in his proceedings in ந.க.எண். 3078/அ3/2020, dated 07.07.2020 and quash the same as illegal and further direct the second respondent herein to reconsider the petitioner's representation dated 19.06.2020 and pass an appropriate orders in the issue of accepting Form VII of our society for the period 2019-2021 within a time stipulated by this Court.

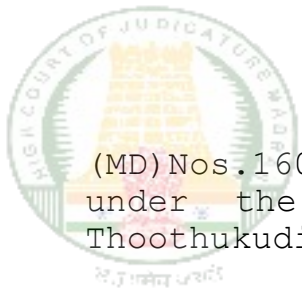
For Petitioner	:	Mr.V.Meenakshisundaram
For R1& R2	:	Mr.K.Sathiyasingh Additional Government Pleader
For R3	:	Mr.K.Ragatheesh Kumar for M/s.Isaac Chamber

ORDER

Heard the learned counsel on either side.

2.The petitioner is the president of the Thoothukudi Vadadhisai Hindu Nadar Mahamai Dharma Karapettai Paripalana Sangam. It appears that there are two groups in the said Sangam and they are at logger heads. Following the order dated 08.05.2019 made in W.A.

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



(MD)Nos.1603, 1711, 1712 etc., election to the Society was held under the supervision of the District Registrar (Societies), Thoothukudi.

3. Interestingly, in the Executive Committee, that was elected, both groups found representation. The third respondent Thiru.Vinayaga Moorthy, who heads the other group, was elected as Secretary, while the petitioner was elected as President in the election that was held on 10.08.2019. Normally, it is only the Secretary who presents Form VII indicating change in the list of office bearers. But it appears that the third respondent was not inclined to submit Form VII. I can understand as to why he could not do so. The third respondent had filed S.L.P.(C) No.18328 of 19 etc., before the Hon'ble Supreme Court questioning the order dated 08.05.2019 passed by the Hon'ble Division Bench in the aforesaid writ appeals. Therefore, the petitioner was left with no other option but to present Form VII on file. To this effect, the impugned communication was also issued and served on the petitioner herein and the same is under challenge in this writ petition.

4.The third respondent had filed a detailed counter affidavit refuting the various allegations made by the writ petition herein. I make it clear that I am not taking note of any of the allegations made by the writ petitioner against the third respondent. I am concerned with only one issue. Whether Form VII has to be taken on file by the second respondent or not is the only issue, that has to be gone into in this writ proceedings.

5. As rightly pointed out by the learned counsel appearing for the petitioner, the petitioner is running quite a few educational institutions and is doing charitable activities. Therefore, there cannot be any confusion as regards the list of office bearers.

6.The second respondent had assigned two reasons for declining to take the Form VII on file. One reason is that Form VII was not submitted within three months from the date of announcement of the elections results. In my view, this reason is rather technical. As rightly pointed out by the learned counsel appearing for the petitioner, Section 49 of the Tamil Nadu Society Registration Act, 1975, permits condonation of the delay that may be occasioned in such filing. This is definitely a fit case for exercising the power of condonation. The other reason is that SLPs are pending before the Hon'ble Supreme Court, in which, the Division Bench decision has been put to question.

7.I am not able to accept this reason. This is because, the Hon'ble Supreme Court has not granted any interim relief. Thus the position that obtains as of now is that the election conducted



pursuant to the direction of this Court holds. The Hon'ble Division Bench decision has not been set aside or stayed. Therefore, the authority ought to accept the outcome thereof.

8. In this view of the matter, the communication impugned in the writ petition is quashed. The second respondent is directed to take the petition mentioned Form VII on file. This is of-course subject to outcome of S.L.P(C).Nos.18328 of 2019 etc., pending before the Hon'ble Supreme Court. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Inspector General of Registration,
(Registration and Societies)
Santhom Chruch Road,
Chennai District.

2.The District Registrar (Societies),
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-15770[F] dated 03/09/2020)

+1 CC to M/s.Special Government Pleader (SR-15771[F] dated 03/09/2020)

W.P. (MD)No.8006 of 2020
02.09.2020

KB(10.09.2020) 3P 5C