



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.20603 OF 2021

AND

WMP.NO.21861 OF 2021

Erode North Rotary Welfare Society  
(Registration No. 56/2002)  
Rep by its Secretary,  
Mr.R.Aswath,  
Having its registered office at,  
No.375/4A, K.M.K.Nagar,  
Kumalankuttai, Erode - 638 001.

.. Petitioner

Versus

1. The District Registrar,  
District Registrar Office,  
Society Registration Section,  
Rangampalayam,  
Erode - 638 009.
2. V.K.Sivabalsubramanian
3. G.Muhammed Thaj Muhyideen

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass suitable orders based on the representation made by the petitioner society on 08.09.2021 to accept the Form VII dated 21.08.2021 and 11.09.2021 seeking to refrain the respondents 2 & 3 from convening the Annual General Body Meeting on 27.09.2021 within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Karthikeyan

For R1 : Mr.K.Sathish Kumar



## ORDER

The prayer made in this writ petition is to direct the first respondent to consider the petitioner's representation dated 08.09.2021 requesting to accept the Form VII dated 21.08.2021 and 11.09.2021 and refrain the respondents 2 & 3 from convening the Annual General Body Meeting on 27.09.2021 within a time to be fixed by this Court.

2. The petitioner society is a registered society under the Tamil Nadu Societies Registration Act, 1975 vide Registration No.56/2002 dated 01.04.2002 with the District Registrar, Erode. At the time of inception, it consists of 11 members and as on date, there are 23 members in the society. According to the petitioner, there has been no election conducted for the past several years and hence, 13 members including the deponent addressed a letter dated 21.01.2021 to the erstwhile secretary i.e., second respondent, requesting to convene an AGM and to hold election for the Managing Committee, to which, the second respondent sent a reply dated 02.02.2021 intimating that there are 33 members in the society as on 05.09.2020 and that the Annual General body meeting was already conducted on 27.12.2020 and hence, there is no need to conduct the AGM. Refuting the same, the petitioner society sent a communication dated 16.02.2021. When the things stood thus, the petitioner society made a representation on 23.03.2021 to the first respondent seeking permission to convene the annual general body meeting as per Section 28 of the Act. On receipt of the same, the first respondent called upon the third respondent to attend an enquiry with relevant records, about the affairs of the petitioner society, but he did not respond to the same.

3. It is the further case of the petitioner that while so, the second respondent issued a notice dated 23.07.2021 intimating that the AGM will be held on 20.08.2021 which was eventually called off due to the lock down. Similarly, the petitioner society sent a communication dated 27.07.2021 to the first respondent stating that they are going to convene the AGM on 20.08.2021 at 5.00 p.m. in Erode North Rotary Hall, after giving 21 days clear notice to the existing 23 members and requesting permission to conduct the same. In such circumstances, the petitioner society conducted annual general body meeting on 20.08.2021, wherein, new office bearers were elected and Form IV dated 21.08.2021 was filed. However, the second respondent issued a notice dated 06.09.2021 intimating the conduct of AGM to be held on 27.09.2021, to which, the petitioner society raised an objection on 11.09.2021 thereby refraining the respondents 2 and 3 from conducting the AGM as claimed by them. Since no action was taken by the first respondent, the petitioner has come up with this writ petition



for the aforesaid relief.

4. The learned counsel for the petitioner submitted that the first respondent being a statutory authority under the Act, is required to take on file Form VII furnished by the members of the society after verifying the records, but they are keeping the same as pending. Hence, the learned counsel prayed for appropriate direction to the first respondent by considering the petitioner's objection dated 11.09.2021, in this regard.

5. On the other hand, the learned counsel appearing for the first respondent fairly submitted that the first respondent would consider the petitioner's objection and pass orders, on merits, within a time frame to be stipulated by this court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's objection and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as the respondents 2 and 3, within a period of three weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The District Registrar,  
District Registrar Office,  
Society Registration Section,  
Rangampalayam, Erode - 638 009.

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and WMP.No.21861 of 2021

KSM(CO)  
CS/22/10/2021