



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7906 of 2021

Dr.Zakirhussain College Society,
(Registration No.8/1983),
Represented by its Secretary,
V.M.Jabarrullakhan.

...Petitioner

Vs.

The District Registrar-cum-Registrar of
Societies, Sivagangai District,
Sivagangai-630 702.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to register forthwith the Form-VII submitted by the petitioner-Society, dated 28.12.2020 by considering the petitioner's representation dated 28.12.2020, within a reasonable time and without any further delay.

For Petitioner	: Mr.Isaac Mohanlal for Mr.H.Thayumanaswamy
For Respondent	: Mr.K.Sathyasingh Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to register Form-VII submitted by the petitioner Society within the time limit to be fixed by this Court.

2. Heard Mr.Isaac Mohanlal, learned Senior Counsel for Mr.H.Thayumanasamy, learned counsel appearing on behalf of the petitioner and Mr.K.Sathyasingh, learned Additional Government Pleader appearing on behalf of the respondent.

3. It is seen from records that the tenure of the office bearers belonging to the petitioner Society came to an end in the year 2017. Thereafter, an election was conducted for the new office bearers and the Director of Collegiate Education refused to approve the Managing Committee that was elected. The same became the subject matter of challenge before this Court in W.P.(MD).



No.20252 of 2017 and an interim order was also passed by this Court. The existing officer bearers continued till 2020. In the meantime, the tenure of the committee came to an end in the year 2020.

4. A writ petition came to be filed in W.P.(MD).No.11726 of 2020 with a prayer for conducting the elections for the period from 2020 to 2023. This Court after hearing the parties, disposed of the writ petition by an order dated 01.10.2020. The relevant portions in the order are extracted hereunder:-

"9.The Returning Officer for the election will give an application well in advance to the District Administration and the District Administration is directed to permit assembling of the members of the second respondent's Society for the purpose of holding election.

10.The District Administration as well as the local Body are entitled to issue appropriate advisory and it will be the duty of all members of the Society to strictly adhere to the norms stipulated by the Administration.

5. Pursuant to the above orders, the petitioner Society convened a meeting of the Managing committee and passed a resolution to conduct the election as directed by this Court. The Election is said to have been conducted on 27.12.2020 and the results were also declared on the same day. The newly elected office bearers took charge and on 28.12.2020, a meeting of the Managing Committee was also convened and necessary resolutions were passed.

6. The petitioner Society, thereafter, through a representation, dated 28.12.2020, forwarded the Form-VII to the respondent, containing the details of the newly elected office bearers for the period from 2020-2023. The petitioner Society also paid the necessary charges on 30.12.2020.

7. The grievance of the petitioner Society is that the respondent in spite of receiving the Form-VII from the petitioner Society is yet to act upon and register the same. Aggrieved by the inaction on the part of the respondent, the present Writ Petition has been filed before this Court seeking for appropriate directions.

8. In the considered view of this Court, the election itself took place pursuant to the directions issued by this Court in W.P.(MD).No.11726 of 2020 and the name of the office bearers for the period from 2020-2023 has also been forwarded to the respondent through Form-VII, which requires registration. Therefore, taking into consideration the facts and circumstances of the case, there shall be a direction to the respondent to act upon the Form-VII submitted by the petitioner Society on 28.12.2020 and deal with the



same, strictly in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

9. The petitioner Society shall make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

10. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

To

The District Registrar-cum-Registrar of Societies, Sivagangai District, Sivagangai-630 702.

+1 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-16065[F] dated 16/04/2021)

+1 CC to M/s.AGP (SR-16237[F] dated 17/04/2021)

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.

Order made in
W.P. (MD) .No.7906 of 2021

Dated:

16.04.2021

RK (26.04.2021) 3P 4C