



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7987 of 2021

Hajee K.K.Ibrahim Ali Higher Secondary School Society,
Rep. by its Secretary,
K.Najeemudeen,
S/o.P.P.N.Kamal Batcha,
108A, Soukath Ali Street,
Pudur, Ilayankudi,
Sivagangai.

... Petitioner

Vs.

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Registrar of Societies,
District Registrar Office,
Sivagangai,
Sivagangai District.

3.K.K.Kajee Ibrahim Ali,
Higher Secondary School Society,
Rep. by its President,
P.M.S.Shajahan,
Ilaiyankudi,
Sivagangai District.

4.K.Mohammed Ibrahimsha Johny

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to accept the petitioner's Form-VII, dated 24.12.2020 for the period of 2021-2023.

For Petitioner : Mr.G.Jeremiah
For Respondents : Mr.K.Sathiya Singh, for R1 & R2
Additional Government Pleader
Mr.D.Senthil for R3 and R4

ORDER

This writ petition has been filed for the issuance of writ of Mandamus, directing the second respondent to accept the Form-VII submitted by the petitioner, on 24.12.2020, for the period 2021-2023.



2. Heard Mr.G.Jeremiah, learned counsel for the petitioner, Mr.K.Sathiya Singh, learned Additional Government Pleader, for the respondents 1 and 2 and Mr.D.Senthil, learned counsel for the respondents 3 and 4.

3. The order passed by the Hon'ble Division Bench of this Court in W.A.(MD).No.788 of 2021 was brought to the notice of this Court. The attention of the Hon'ble Division Bench was drawn to the fact that two Form-VII declaration were filed by either of the parties and the District Registrar had called for explanation from both the parties. The Division Bench after extracting the scope of enquiry of the District Registrar, as laid down in **R.Muralidharan Vs. The District Registrar & Others** reported in **2008 (2) L.W. 75**, gave the following directions.

"7. The ratio which can be culled out from the aforementioned decision is that the District Registrar cannot decide the right of parties like that of the Civil Court and he has been termed as "Form Filer". The District Registrar is required to examine as to whether the procedure required to be followed prior to conduct of the General Body has been adhered to and whether the General Body has been conducted in a free and fair manner and all the members were allowed to exercise their option and beyond that the District Registrar cannot enter upon the disputes between the parties, which can only done before the Civil Court. Thus, while indicating the legal position, we are inclined to issue appropriate direction to the second appellant, namely, District Registrar, Sivagangai District, to consider the objections filed by the first respondent as well as the intervenor, heard the parties in person or through authorized representative and pass a speaking order on merits and in accordance with law. The above said exercise shall be complied with within a period of four weeks from the date of receipt of a copy of this order. It is made clear that by then, the first respondent and the intervenor shall place all the papers and their representations before the second appellant. Accordingly, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed."

4. It is clear from the above that the District Registrar was directed to consider the objections given by either side and also hear them and to pass an order, within a period of four weeks. In the meantime, the present writ petition has been filed before this Court for a direction to the District Registrar to entertain the Form-VII, dated 24.12.2020, pertaining to the period 2021-2023. The decision of the District Registrar, pursuant to the directions issued by the Hon'ble Division Bench will have a direct impact in the present Form-VII, declaration that has been submitted by the



petitioner. Therefore, the petitioner has to necessarily await for the orders of the District Registrar.

5.In the result, this Writ petition is disposed of in line with the directions given by the Hon'ble Division Bench in W.A.(MD). No.788 of 2021, dated 15.04.2021 and based on the decision taken by the District Registrar, the petitioner shall work out his remedy with respect to the Form-VII declaration submitted for the period 2021-2023. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
O/o. Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Registrar of Societies,
District Registrar Office,
Sivagangai,
Sivagangai District.

+1 CC to M/s.AGP (SR-18055[F] dated 29/04/2021)

W.P. (MD) .No.7987 of 2021
28.04.2021

DKS (CO)

KB(08.06.2021) 3P 4C