



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8632 of 2021

M.Lal Bahadur Kennedy

... Petitioner

Vs.

The District Registrar (Societies),
Palayamkottai,
Tirunelveli District,
Tirunelveli.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to take on file the Form VII, sent by the petitioner, on 19.04.2021 and register the same within the time frame fixed by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondent	: Mr.K.Sathiya Singh, Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondent to take on file Form VII that was submitted by the petitioner, on 19.04.2021 and to register the same in the records.

2.The case of the petitioner is that he is the member of the Kovilpatti Tamil Baptist Schools Association, from the year 2002. The petitioner seems to have been removed from the membership and hence the petitioner filed a suit before the District Munsif Court, Kovilpatti, in O.S.No.86 of 2015 and an order of interim injunction was also passed in favour of the petitioner in I.A.No.487 of 2015, thereby the petitioner continued to be a member of the Association.

3.The petitioner was subsequently, chosen as the Secretary of the Association and an Annual General Body meeting was conducted, on 30.09.2019 and Resolutions came to be passed and one of the Resolution affirmed the removal of Mr.D.Augustin from the Association.

4.The further case of the petitioner is that the Form VII that



was filed by the petitioner before the respondent for the period from 2014-2015 and 2017-2018 was also accepted and this became a subject matter of challenge before this Court in W.P.(MD).No.27358 of 2019 and the same is pending. This writ petition was filed by the said D.Augustin.

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5.The petitioner had presented the Form VII before the respondent, on 19.04.2021 and the same was refused to be received by the respondent on the ground that a writ petition is pending before this Court, challenging the earlier Form VII that was received by the respondent. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

6.Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader, for the respondents.

7.In the considered view of this Court, the respondent by receiving Form VII has merely undertaken a Ministerial Act and it does not involve any decision making process. Therefore, the respondent does not have any discretion while receiving Form VII, which is presented by an Association. The mere pendency of the earlier writ petition will also not stand in the way of the respondent from acting upon the Form VII, submitted by the Association. In fact, it is incumbent upon an Association to submit Form VII as and when there is a change in the membership.

8.In view of the above, there shall be a direction to the respondent to act upon the Form VII that was submitted by the petitioner on 19.04.2021 in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

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

10.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

The District Registrar (Societies),
Palayamkottai,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s.SPL GP (SR-17900[F] dated 28/04/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-17830[F] dated
28/04/2021)

W.P. (MD) .No.8632 of 2021
27.04.2021

AS (09.06.2021) 3P 4C