



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2021**

CORAM:

**THE HON'BLE MR.JUSTICE N.ANAND VENKATESH**

WEB COPY

**W.P. (MD) .Nos.12378 to12381, 12444 and 12530 of 2021**

**and**

**W.M.P(MD) .Nos.9721, 9722, 9724, 9725, 9740, 9741 and 9743 of 2021**

R.Ezhil

S/o.Rethnaraj

Amuthan.R

Arunkumar.R

Perumal.N.T.

... Petitioner in W.P(MD) .No.12378 of 2021

... Petitioner in W.P(MD) .No.12379 of 2021

... Petitioner in W.P(MD) .No.12380 of 2021

... Petitioner in W.P(MD) .No.12381 of 2021

Vs.

1.The District Registrar,  
(Tamilnadu Societies Registration Act),  
Nagercoil, Kanyakumari District.

2.The Vivekananda Educational Society,  
Represented by its Secretary,  
Agasteeswaram,  
Agasteeswaram Taluk,  
Kanyakumari District.

3.Mr.C.Rajan, Secretary,  
Vivekananda Educational Society,  
Agasteeswaram,  
Agasteeswaram Taluk,  
Kanyakumari District.

... Respondents in W.P(MD) .No.12378 to 12381 of 2021

**common Prayer in W.P(MD) .No.12378 to 12381 of 2021:**

Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to take action under Section 34 of the Tamil Nadu Societies Registration Act, on the basis of the petitioner's representation dated 12.07.2021.

For Petitioners : Mr.V.Meenakshisundaram  
for Mr.G.Mohankumar

For R1 : Mr.M.Lingadurai  
Government Advocate

For R2 and R3 : Mr.M.Ajmalkhan  
Senior counsel  
for Mr.Rajasekaran  
(In W.P. (MD) .Nos.12378 to 12381 of 2021)



**WP(MD). 12530 of 2021 :**

Sri Muthurajan ... Petitioner in WP(MD). 12530/ 2021

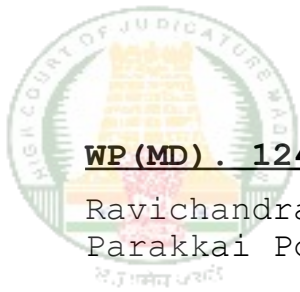
- Vs. -

1. The Inspector General of Registration,  
Office of the Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai - 600028.
2. The District Registrar of Societies, Kanyakumari District,  
Nagercoil
3. Vivekananda Educational Society, Rep. by its Secretary,  
Agasteeswaram,  
Kanyakumari District.
4. R.Ravichandran S/o.P.Rajamani,  
Chinnamalayam,  
No.5/42b, Gandhipuram,  
Parakkai Post,  
Kanyakumari District.
5. T.Sri Devi Kumari, W/o.Ravichandran,  
Chinnamalayam,  
No.5/42b, Gandhipuram,  
Parakkai Post,  
Kanyakumari District. ... Respondents in WP(MD). 12530/ 2021

Prayer in WP(MD). 12530/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other appropriate Writ or Order or Direction, particularly in the nature of Writ, directing the 2nd respondent to take action on the representation of the petitioner dated 19.06.2021 and 17.07.2021, requesting to enquire the illegal transfer of membership made in favour of the 4th respondent, within the time frame fixed by this Honble Court, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

|                |                                                                                              |
|----------------|----------------------------------------------------------------------------------------------|
| For petitioner | : Mr.M.Saravanan<br>for Mr.P.T.Ramesh Raja                                                   |
| For R1 & R-2   | : Mr.M.Lingadurai<br>Government Advocate                                                     |
| For R3         | : Mr.M.Ajmalkhan<br>Senior counsel<br>for Mr.Rajasekaran<br>(In W.P. (MD) .No.12530 of 2021) |



**WP(MD). 12444 of 2021 :**

Ravichandran.R S/o. Rajamony, Chinnamaalayam, 5/42b, Gandhipuram,  
Parakkai Post, Kanyakumari District.

... Petitioner in WP(MD). 12444 of 2021

WEB COPY

- Vs. -

1. The District Registrar The District Register Office, Nagercoil-629 001, Kanyakumari District.
2. Vivekananda Educational Society, Rep by its Secretary, Agasteeswaram - 629 701, Kanyakumari District.
3. The Presiding Officer (Elections), Vivekananda Educational Society, Agasteeswaram - 629 701, Kanyakumari District.

... Respondents in WP(MD). 12444 of 2021

Prayer in WP(MD). 12444 of 2021 :

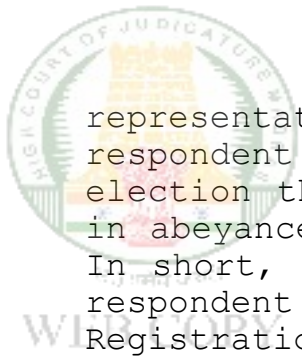
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent pertaining to its proceeding No. Nil dated 15-07-2021 and to quash the same and consequently directing the 1st respondent to ensure that the election of the 2nd respondent society is conducted in accordance with the bye-laws of the society and pass such further or other orders as this Honbe Court may deem fit and proper in the circumstance of the case and thus render justice.

|                |                                                                                            |
|----------------|--------------------------------------------------------------------------------------------|
| For petitioner | : Mr.S.C.Herold Singh                                                                      |
| For R1         | : Mr.M.Lingadurai<br>Government Advocate                                                   |
| For R2 and R3  | : Mr.M.Ajmalkhan<br>Senior counsel<br>for Mr.Rajasekaran<br>(In W.P.(MD).No.12444 of 2021) |

**COMMON ORDER**

The issues involved in all these writ petitions are common and hence, they are taken up together, heard and disposed of through this common order.

2. All the petitioners are questioning the action of the Executive Committee of the registered Society and according to the petitioners, they are involved in various malfeasance and misfeasance. The further case of the petitioners is that the second respondent in a hurried manner is proceeding to conduct an election, which is fixed on 25.07.2021. The petitioners have given a



representation to the first respondent stating that the first respondent must enquire into the affairs of the Society and the election that is sought to be conducted on 25.07.2021 must be kept in abeyance till a final decision is taken by the first respondent. In short, the petitioners are seeking for a direction to the first respondent to conduct an enquiry under Section 34 of the Societies Registration Act.

3. Heard Mr.V.Meenakshisundaran for Mr.G.Mohankumar, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the first respondent and Mr.M.AjmalKhan, learned Senior Counsel for Mr.Rajasekaran, learned counsel appearing for the second and third respondents in W.P.(MD). Nos.12378 to 12381 of 2021. Heard Mr.M.Saravanan, for Mr.P.T.Ramesh Raja, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the first and second respondents and Mr.M.AjmalKhan, learned Senior Counsel for Mr.Rajasekaran, learned counsel appearing for the third respondent in W.P.(MD).No.12530 of 2021. Heard Mr.S.C.Herold Singh, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the first respondent and Mr.M.AjmalKhan, learned Senior Counsel for Mr.Rajasekaran, learned counsel appearing for the second and third respondents in W.P.(MD). No.12444 of 2021.

4. The learned counsel appearing on behalf of the petitioners have placed reliance upon the Judgment of the Full Bench in the case of ***C.M.S. Evangelical Suvi David Memorial Higher Secondary School Committee Karisal Vs. The District Registrar and others*** reported in (2005) 2 CTC 161 and have argued that the first respondent has the power to scrutinize as to whether the Society is maintaining correct and proper records and whether the constitution of the members are valid. According to the petitioners, the Executive Committee of the Society has indulged in misappropriation of funds and has proceeded to fix an election during the pandemic period and has also prevented the petitioners from participating in the election on 25.07.2021.

5. In the considered view of this Court, neither the first respondent nor this Court exercising its jurisdiction under Article 226 of the Constitution of India can go into an election dispute. The appropriate forum to decide such a dispute will only be a competent Civil Court. Therefore, if at all, the petitioners have any grievance with regard to the conduct of the election by the second respondent / Society, they have to agitate their grievance only before the competent Civil Court.

6. At the best, this Court can only direct the first respondent to consider the representations made by the petitioners within the scope of Section 34 of the Societies Registration Act and



beyond that no further directions can be issued by this Court.

7. In view of the above, all the Writ Petitions are disposed of with a direction to the District Registrar (Tamil Nadu Societies Registration Act), Nagercoil, to consider the representations made by the petitioners and deal with the same on its own merits and in accordance with law by affording opportunity to all the parties concerned and take a decision within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 District Registrar,  
(Tamilnadu Societies Registration Act,  
Nagercoil, Kanyakumari District.
- 2.The Inspector General of Registration,  
Office of the Inspector General of Registration,  
No.100, Santhome High Road, Chennai-600 028.
- 3.The District Registrar of Societies,  
Kanyakumari District at Nagercoil.

- +4 CC to M/s.G.MOHANKUMAR, Advocate ( SR-23803[F] dated 23/07/2021 )  
+4 CC to M/s.S.RAJASEKAR, Advocate ( SR-23804[F] dated 23/07/2021 )  
+1 CC to M/s.SPL GP ( SR-24010[F] dated 27/07/2021 )  
+1 CC to M/s.S.C.HEROLD SINGH ( SR-23646[F] dated 27/07/2021 )

**Common Order made in**  
**W.P. (MD) .Nos.12378 to12381,**  
**12444 and 12530 of 2021**  
**and W.M.P (MD) .Nos.9721, 9722, 9724,**  
**9725, 9740, 9741 and 9743 of 2021**  
**Dated : 23.07.2021**

PM(CO)

TR(03.08.2021) 5P 14C

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