



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17052 of 2021

and

W.M.P(MD).Nos.13980, 13981 and 13982

P.Satheeskumar

... Petitioner

Vs.

1.The District Registrar/
Registrar of Societies,
Office of the District Registrar,
Tenkasi District.

2.S.M.Maruthapa Pandian

3.N.Saravanakrishnan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order of the first respondent dated 19.04.2021 in No.437/A3/2021 and quash the same and consequently cancel the Form 7 submitted by the second and third respondents dated 13.01.2021.

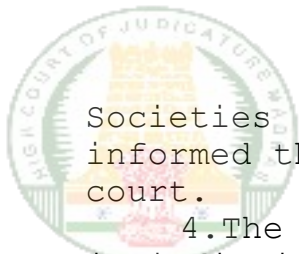
For Petitioner	: Mr.S.Ramsundarvijayraj
For R1	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner challenges the order dated 19.04.2021 of the first respondent, by which the District Registrar refused to cancel the Form 7 filed by the second and third respondents and taken on file by the said District Registrar. The petitioner assails the said order on the ground that the Form 7 filed by the second and third respondents should not have been received and taken on file by the District Registrar.

2.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent.

3.On perusal of the impugned order, it is evident that the first respondent declined to interfere on the ground that he does not have the authority to cancel the Form 7 under the Tamil Nadu



Societies Registration Act, 1975. Consequently, the petitioner was informed that he should seek such remedy from a jurisdictional civil court.

4.The District Registrar is authorised to exercise summary jurisdiction while deciding whether to take the Form 7 on record or not. Even if there is a dispute in relation thereto, his obligations are limited in as much as the act performed by him is largely ministerial. The aggrieved person, however, is not without remedy in as much as the primary or substantive act of changing the composition of the management committee or office bearers, whether by election or otherwise, may be assailed by approaching the jurisdictional civil court. Besides, as indicated in the impugned order, the District Registrar does not have the authority to cancel the Form 7 after taking the same on file. Therefore, the impugned order does not contain any infirmity.

5.For reasons set out above, W.P.(MD).No.17052 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to either assail the order by which such Form 7 was taken on file or institute a comprehensive civil action in respect of the relevant elections at which the management committee or the office bearers were elected/appointed. Consequently, W.M.P(MD).Nos.13980, 13981 and 13982 are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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

The District Registrar/
Registrar of Societies,
Office of the District Registrar,
Tenkasi District.

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-29962[F] dated 22/09/2021)

+1 CC to M/s.SPL. GP (SR-30020[F] dated 23/09/2021)

W.P(MD).No.17052 of 2021

22.09.2021