



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17634 of 2021

and

WMP(MD).No.14512 of 2021

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The Secretary,
Sadakathullah Appa Educational Society,
Rahmath Nagar,
Tirunelveli - 627 011.
Tirunelveli District.

... Petitioner

Vs.

1. Inspector General of Registration,
(Registration and Societies),
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Raja Annamalai Puram,
Chennai, Tamil Nadu-600 028.
2. The District Registrar (Administration),
Palayamkottai - 627 002,
Tirunelveli District.
3. The Director of Collegiate Education,
College Road, Chennai - 600 006.
4. The Regional Joint Director of Collegiate
Education,
Tirunelveli Region, Tirunelveli - 627 008. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus calling for the records relating to the impugned proceedings issued by the second respondent District Registrar in No.5943/Aa2/2021 dated 14.09.2021, quash the same and further direct the second respondent District Registrar to register forthwith the Form-VII submitted by the petitioner dated 07.09.2021 for the triennium 2021-2024.

For Petitioner : Mr.Isaac Mohanlal, Senior Counsel.
for M/s.Isaac Chambers.

For Respondents : Mr.P.Subbaraj,
Counsel for the State.



O R D E R

The petitioner assails an order passed by the second respondent dated 14.09.2021 by which the second respondent refused to take on file the annual report for the year 2020-2021 and the Form-VII.

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2. The petitioner states that it is a registered Society which owns and administers a college called Sadakathullah Appa College. In relation to the annual report for the year 2020-2021 as also the elections to the Managing Committee, the petitioner submitted the relevant annual report and Form-VII to the District Registrar for taking the same on file. The petitioner states that such request was rejected by the impugned communication dated 14.09.2021.

3. The petitioner points out that the impugned communication cites two reasons for refusal to take the above mentioned documents on record. The first reason cited is the pendency of a civil suit, namely, O.S.No.521 of 2018. On this issue, the petitioner points out that the interim application in such civil suit was dismissed after contest. Therefore, it is submitted that such civil suit cannot be the basis for rejecting the documents. In addition, the petitioner points out that the second reason cited in the impugned order is equally untenable. The second reason is Circular No.7 of 2011 dated 27.07.2021. The petitioner refers to and relies upon a judgment of this Court in *Kallar Kalvi Kazhagam Usilampatti, Madurai v. The District Registrar (Administration)*, 2016 (2) CWC 759 and, in particular, paragraph 20 thereof. Upon such reference, the petitioner points out that circular No.7 of 2011 was considered by this Court and that this Court declined to act on such circular in view of the fact that it contradicts and cannot override specific provisions of the Tamil Nadu Societies Registration Act, 1975. Therefore, the petitioner states that both the reasons cited in the impugned order are untenable. Consequently, it is stated that the impugned order is liable to be quashed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second respondent has kept the documents pending in view of the pending civil suit.

5. The functions of the second respondent under the Tamil Nadu Societies Registration Act are largely ministerial. As such, any underlying disputes pertaining to the election of members of the relevant Administrative Committee or officer bearers of the Society would be subject to the outcome of any civil or other litigation between the private parties concerned. Merely because a civil suit is pending in relation to the elections or meetings of a Society, the relevant forms should not be kept pending. Ultimately, the validity of such forms would abide by the outcome of such



litigation. It is a different matter if an order is passed by a competent court by which the second respondent is prohibited from taking on file the relevant documents and forms. In the case at hand, admittedly, there is neither an order of Court prohibiting such forms from being taken on record nor is there any other legitimate reason not to take such documents on record such as contravention of the provisions of the Tamil Nadu Societies Registration Act or the rules framed thereunder.

6. For the reasons set out above, the impugned order dated 14.09.2021 is not sustainable. Consequently, the said order is quashed. As a corollary, the matter is remitted for reconsideration by the second respondent. The second respondent shall take into account the observations set out in this order and take a reasoned decision with regard to the relevant documents and forms within a period of thirty (30) days from the date of receipt of a copy of this order.

7. Accordingly, W.P(MD).No.17634 of 2021 is allowed. There will be no order as to costs. Consequently, connected WMP(MD).No.14512 of 2021 is closed.

Sd/-

Assistant Registrar (A.D.II)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. Inspector General of Registration,
(Registration and Societies),
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
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2. The District Registrar (Administration),
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3. The Director of Collegiate Education,
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4. The Regional Joint Director of Collegiate
Education,
Tirunelveli Region, Tirunelveli - 627 008.



+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-30911[F] dated 01/10/2021)

+1 CC to M/s.SPL.GP (SR-30869[F] dated 01/10/2021)

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