



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.21013 of 2021

and

W.M.P(MD).No.17607 of 2021

WEB COPY

Thoothukudi Vadadhisai Hindu Nadar Mahamai
Dharma Karapettai Paripalana Sangam
(Reg.No.4/1919),
Rep.its Secretary,
Great Cotton Road, Thoothukudi Town,
Thoothukudi District.

... Petitioner

Vs.

1.The Inspector General of Registration
(Registration and Societies)
Santhom Church Road,
Chennai District.

2.The District Registrar,
(Registration and Societies),
Thoothukudi, Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent District Registrar in A.Thi.Mu.No.6287/A3/2021 dated 08.11.2021, quash the same and further direct the second respondent District Registrar to register forthwith the Form-VII dated 01.11.2021 relating to change of Membership Roll of the petitioner's Society.

For Petitioner : Mr.Issac Mohanlal
Standing Counsel
For M/s.Issac Chambers
For Respondents : Mr.D.Ghandiraj
Special Government Pleader
For Intervener : Mr.V.Meeanakshi Sundaram

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus, with respect to the proceedings issued by the second respondent / District Registrar (Registration and Societies), Thoothukudi, Thoothukudi District, in



A.Thi.Mu.No.6287/A3/2021 dated 08.11.2021 and to set aside the same and also for a further direction to the said respondent to register Form-VII, dated 01.11.2021 relating to change of Membership Roll of the Society of the petitioner.

2.The writ petition has been filed by a society and is represented in these proceedings by its Secretary. There appears to have been earlier occasions when the Society had come to the Court and the matter had also proceeded up to the Hon'ble Supreme Court.

3.The petitioner claims that he had been elected as a Secretary of the Society. Once there has been an election and thereafter, the names of the members of the office bearers have been changed the same have to be incorporated and forwarded to the Registrar of Societies as contemplated in a particular Form, namely, Form-VII.

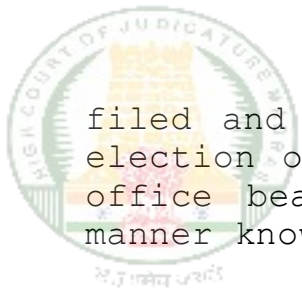
4.The petitioner herein claims that after being elected, according to him after due process, he had submitted Form-VII to the second respondent. The second respondent, who, according to the petitioner, should have received and recorded the entries and particulars in Form-VII had however, returned back the same. This has led to the filing of the present Writ Petition. In effect, the grievance raised by the learned Senior Counsel on behalf of the petitioner is that the second respondent should not have returned Form-VII, but should have accepted the Form as it is.

5.The impugned order had been pointed out by Mr.D.Ghandiraj, learned Special Government Pleader. It is pointed out that there are various other documents, particularly, audit reports for previous years and such other documents, which are required to have been filed and which had not been filed, and therefore in the impugned order. It had been stated that Form-VII should be submitted along with those particular documents.

6.Let me, at this stage, not enter into a discussion about the correctness or otherwise of the order. During the course of hearing, in the previous hearing date/25.11.2021, it had been impressed upon by the learned senior Counsel for the petitioner, that the petitioner may take a decision to re-present Form-VII and report back to the Court.

7.It is today informed to this Court that Form-VII has been actually re-presented with all the necessary enclosures and now it is in the table of the second respondent.

8.I must also point out that though it is not officially in the records, an impleading application also appears to have been



filed and that has been filed by eleven members to protest the election of the petitioner as Secretary and of some of the other office bearers. I hold they have to work out their remedy in manner known to law.

9. Let me not enter into further discussion on that particular aspect, since as on date, the Form-VII has been forwarded to the second respondent by the petitioner. There is an obligation passed on the second respondent to take on record the Form-VII and pass orders in manner known to law.

10. Let the second respondent discharge that particular duty. I would leave it open to the wisdom of the second respondent to take necessary precautions to ensure that any order he passed or in the course of official work, does not come to adverse notice or in any Court of law by any one of the parties, who are directly or indirectly interested in the affairs of the petitioner's society.

11. The exercise by the second respondent should be completed within a period of fifteen working days from the date of receipt of a copy of this order.

12. Observing as above, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/lr

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 Inspector General of Registration
(Registration and Societies)
Santhom Church Road,
Chennai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Registrar,
(Registration and Societies),
Thoothukudi, Thoothukudi District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-38264[F] dated
10/12/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-38245[F] dated
10/12/2021)

+1 CC to M/s.SPL GP (SR-37929[F] dated 09/12/2021)

W.P (MD) .No.21013 of 2021
08.12.2021

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SB(28.12.2021) 4P 6C