



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 17.03.2021

DELIVERED ON : 31.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) Nos.14362, 14569, 14570, 17982 and 20242 of 2018, 8772,
8773, 21216, 21218 and 21311 of 2019

and

connected writ miscellaneous petitions

W.P. (MD) No.14362 of 2018

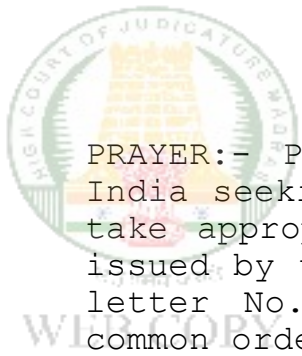
P.Gunasekaran,

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. through its Secretary,
Department of Higher Education (D2),
Fort St. George, Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai.
- 3.The Director of Collegiate Education,
O/o. Director of Collegiate Education,
College Road, Nungambakkam, Chennai - 600 006.
- 4.The Regional Joint Director of Collegiate Education,
O/o. Regional Joint Director of Collegiate Education,
Madurai Region, Palam Station Road, Sellur, Madurai - 2.
- 5.The Inspector General of Registration,
Santhome, Chennai - 600 028
- 6.The Registrar of Societies,
Madurai North, Bibikulam,
Madurai - 2.
- 7.K.P.Navaneethakrishnan
- 8.Yadhavar Kalvi Nidhi,
A Registered Society,
Running Yadhava College &
Yadhava College of Education,
Govindarajan Campus, Tirupalai,
Madurai, Madurai District.

: Respondents



PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the second respondent to take appropriate actions in continuation of the show cause notice issued by them to the 8th respondent under its proceedings bearing letter No.3719/M1/2013-1 dated 15.05.2013 in consonance with the common order of this Court passed in W.P.No.13579/2011 and connected writ petitions dated 05.03.2013 as expeditiously as possible in the manner known to law within a time frame fixed by this Court.

For Petitioner : Mr.M.Ponniah

For R1 to R6 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

W.P. (MD) No.14569 of 2018

P.Gunasekaran,

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. through its Secretary,
Department of Higher Education (D2),
Fort St. George, Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai.
- 3.The Director of Collegiate Education,
O/o. Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 4.The Regional Joint Director of Collegiate Education,
O/o. Regional Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road, Sellur, Madurai - 2.
- 5.The Inspector General of Registration,
Santhome, Chennai - 600 028
- 6.The Registrar of Societies,
Madurai North, Bibikulam,
Madurai - 2.

7.K.P.Navaneethakrishnan

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8.Yadhavar Kalvi Nidhi,
A Registered Society,
Running Yadhava College &
Yadhava College of Education,
Govindarajan Campus, Tirupalai,
Madurai, Madurai District.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the first respondent passed under his proceedings Letter No.12272/D2/2011-34, dated 02-03-2018 and the consequential proceedings of the third respondent passed under his proceedings Na.Ka.No.17265/Ji4/2011 dated 08-01-2018 and the consequential proceedings of the fourth respondent under his proceedings Na.ka.No.7577/U2/2017 dated 07-12-2017 and the consequential proceedings of the third respondent in Na.Ka.No.17265/Ji4/2011, dated 04.04.2018 by recommending the first respondent to withdraw the proceedings initiated under Section 14-A of the Act and quash all the above said proceedings as illegal, ultra virus, arbitrary, mala fide and not valid in law and by directing the first respondent to proceed with the suspension of the management of the college and appointment of Special Officer under Section 14(A) of Tamil Nadu Private Colleges (Regulation) Act, 1976 as per his proceedings letter No.12272/D2/2011-31, dated 29.11.2016 within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Ponniah

For R1 to R6 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

W.P. (MD) No.14570 of 2018

P.Gunasekaran,

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. through its Secretary,
Department of Higher Education (D2),
Fort St. George, Chennai - 600 009.

2.The State of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai.



3.The Director of Collegiate Education,
O/o. Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 006.

4.The Regional Joint Director of Collegiate Education,
O/o. Regional Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road, Sellur, Madurai - 2.

5.The Inspector General of Registration,
Santhome, Chennai - 600 028

6.The Registrar of Societies,
Madurai North, Bibikulam,
Madurai - 2.

7.K.P.Navaneethakrishnan

8.Yadhavar Kalvi Nidhi,
A Registered Society,
Running Yadhava College &
Yadhava College of Education,
Govindarajan Campus, Tirupalai,
Madurai, Madurai District.

9.A.Thangavel Yadav

10.S.Jeyaraman Yadav

11.T.Venkatachalapathi Yadav,

12.V.S.P.Solamalai Pitchai Yadav,

13.S.P.Sivaramakrishnan Yadav

14.R.V.N.Kannan Yadav

15.M.Kannan Yadav

16.Ashokkumar Yadav

17.P.Varatharajan Yadav

18.N.Lakshmanan Yadav

19.C.Krishnavel Yadav

20.S.Kittu @ Muthukrishnan Yadav

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus to direct the fourth and sixth respondents by forbear the respondents 7, 9 to 20 from conducting any meeting, General Body Meeting or Extraordinary General Body Meeting or Elections to the 8th respondent society in contravention of the common order passed by this Hon'ble Court in W.P.No.13579/2011 and connected writ petitions dated 05.03.2013 till the respondents 1 & 2 pass final orders under Section 14-A of the Tamilnadu Private Colleges (Regulation) Act 1976 and under section 34 of the Tamilnadu Societies Registration Act, 1975.



For Petitioner : Mr.M.Ponniah
For R1 to R6 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

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W.P. (MD) No.17982 of 2018

K.P.Navaneetha Krishnan : Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.V.Vasuki
Deputy Inspector General of Registration,
Madurai, Madurai District.

4.The Registrar of Societies,
Madurai North, Bibikulam,
Madurai - 625 002.

5.L.Nandagopal Yadav : Respondents

(Respondent 5 is impleaded vide Court dated 17.03.2021 in WMP(MD) No.16899 of 2018 in W.P. (MD)No.17982/2018 by VPNJ)

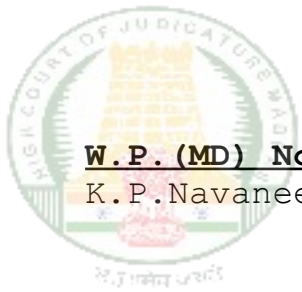
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records relating to the impugned proceeding issued by the first respondent herein in G.O.(Ms).No.96, Commercial Taxes and Registration (M1) Department, dated 27.07.2018 and quash the same.

For Petitioner : Mr.E.V.N.Siva

For R1, R2 & R4 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

For R3 : No appearance

For R5 : Mr.H.Arumugam



W.P. (MD) No.20242 of 2018

K.P.Navaneetha Krishnan

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.

2.The Director of Collegiate Education,
College Road, Chennai - 600 009.

3.The District Collector,
Madurai District, Madurai.

4.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai - 625 002, Madurai District.

5.L.Nandagopal Yadav

: Respondents

(Respondent 5 is impleaded vide Court dated 17.03.2021 in WMP(MD) No.20574 of 2018 in W.P.(MD)No.20242/2018 by VPNJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by the first respondent herein in G.O.(Ms).No.212, Higher Education (D2) Department, dated 05.09.2018, quash the same and further direct the respondents herein to hand over the administration forthwith to the petitioner-society.

For Petitioner : Mr.E.V.N.Siva

For R1, R2 & R4 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

For R3 : No appearance

For R5 : Mr.H.Arumugam

W.P. (MD) No.8772 of 2019

K.P.Navaneetha Krishnan

: Petitioner

Vs.



1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

4.V.Vasuki
Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

5.P.Gunasekaran

6.L.Nandagopal Yadav

7.M.Sundararaj

: Respondents

(Respondent 5 to 7 are impleaded vide Court dated 17.03.2021 in WMP (MD)No.7705, 19443 and 20776 of 2019 in W.P.(MD)No.8772/2019 by VPNJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent herein in Na.Ka.No.5678/2018/E3 dated 23.03.2019 and the consequential proceedings issued by the third respondent herein in Na.Ka.No.5678/E3/2018 dated 01.04.2019, quash the same and further direct the third respondent herein to conduct election to Yadhavar Kalvi Nidhi after incorporating the true list of deserving members from the General Body of both Yadhava Kalvi Nidhi and Yadhava College as per the report of the Inspector General of Registration dated 28.03.2012.

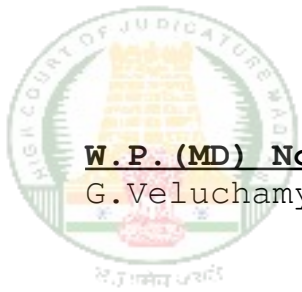
For Petitioner : Mr.E.V.N.Siva

For R1 & 2 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

For R3 : Mr.P.H.Aravind Pandian
Additional Advocate General

For R4 : No appearance

For R5 to 7 : Mr.H.Arumugam



W.P. (MD) No.8773 of 2019

G.Veluchamy

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

4.V.Vasuki
Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

5.M.Sundararaj : Respondents

(Respondent 5 is impleaded vide Court dated 17.03.2021 in WMP(MD)No. 20778 of 2019 in W.P.(MD)No.8773/2019 by VPNJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent herein in Na.Ka.No. 5678/2018/E3 dated 23.03.2019 and the subsequent proceedings issued by the third respondent herein in Na.Ka.No.5678/E3/2018 dated 01.04.2019, quash the same and further direct the first respondent herein to appoint any other unbiased officer as Special Officer in the place of fourth respondent herein so as to conduct fair election to Yadhavar Kalvi Nidhi by incorporating true list of deserving members as per the report of the Inspector General of Registration dated 28.03.2012.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.C.R.Kasiviswanathan

For R1 & 2 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate



For R3

: Mr.P.H.Aravind Pandian
Additional Advocate General

For R4

: No appearance

For R5

: Mr.M.Thirunavukkarasu

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W.P. (MD) No.21216 of 2019

G.Veluchamy

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

4.V.Vasuki
Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

5.N.Kannan

: Respondents

(Respondent 5 is impleaded vide Court dated 25.02.2021 in WMP (MD) No. 21714 of 2019 in W.P. (MD) No.21216/2019 by VPNJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 3 and 4 to prepare electoral list/membership list and hold elections to the Yadhavar Kalvi Nithi (Society) strictly in accordance with the order made by the first respondent in letter No.8340/M1/2018-8 dated 12.04.2019 and the clarification issued by the second respondent in his proceedings No.58204/G2/2012 dated 26.06.2019 under the supervision of a Former Judge of this Honourable Court.

For Petitioner

: Mr.M.Ajmal Khan
Senior Counsel
for Mr.M.Mahaboob Athiff



For R1 & 2

: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

For R3

: Mr.P.H.Aravind Pandian
Additional Advocate General

For R4

: No appearance

For R5

: Mr.Abdul Hameed

W.P. (MD) No.21218 of 2019

K.P.Navaneetha Krishnan

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai - 600 009.

2.The Inspector General of Registration,
Santhome, Chennai - 600 028.

3.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

4.V.Vasuki
Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

5.L.Nandagopal Yadav

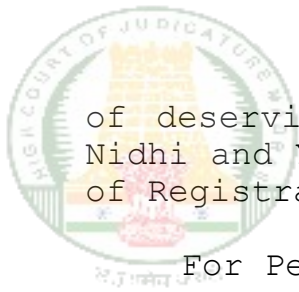
6.N.Kannan

7.M.Sundararaj

: Respondents

(Respondent 5 to 7 are impleaded vide Court dated 17.03.2021 and 25.02.2021 respectively in WMP(MD)No.19583, 21711 of 2018 and 3221 of 2020 in W.P.(MD)No.21218/2019 by VPNJ)

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent herein in Na.Ka.No.5678/E3/2018 dated 17.09.2019, quash the same and further direct the third respondent herein to conduct a search in the records of Yadhavar Kalvi Nidhi after incorporating the true list



of deserving members from the General Body of both Yadhava Kalvi Nidhi and Yadhava College as per the report of the Inspector General of Registration dated 28.03.2012.

For Petitioner : Mr.E.V.N.Siva

For R1 & 2 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate

For R3 : Mr.P.H.Aravind Pandian
Additional Advocate General

For R4 : No appearance

For R5 : Mr.M.Muthugeethaiyan

For R6 : Mr.Abdul Hameed

For R7 : Mr.M.Thirunavukkarasu

W.P. (MD) No.21311 of 2019

P.Gunasekaran : Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George, Chennai.

2.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi - Thirupalai,
Rajakambiram, Othakadai,
Madurai - 625 107. : Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the second respondent passed under the proceedings bearing number Na.Ka.No.5678/E3/2018, dated 17.09.2019 in respect of the election for the Yadhavar Kalvi Nidhi (Reg.No.85/1962) and quash the above said election notification as void, illegal, ultra virus, arbitrary, mala fide and not valid in law and by directing the second respondent to identify and incorporate true and deserving members from the General Bodies of both Yadhava Kalvi Nidhi and Yadhava College to create a true list of General Body members of the society and to conduct election for the said society, within a time frame.

For Petitioner : Mr.M.Ponniah

For R1 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.M.Murugan,
Government Advocate



For R2

: Mr.P.H.Aravind Pandian
Additional Advocate General

COMMON ORDER

WEB COPY All these Writ Petitions have been filed as a consequence of series of disputes among the members of the Yadhavar Kalvi Nithi, a society registered under the Tamil Nadu Societies Registration Act, 1975 also in relation to the administration of the society's college, namely, Yadhava College, Madurai.

2.This Court in consideration of the multitude of disputes from various members of the society and the disputes taking different avatar and dimension from time to time and have been engaging the attention of this Court for very many years and keeping the society and the administration of the college in a permanent state of controversy and uncertainty and to find a resolution to the vexed ongoing legal battles before this Court, while hearing these batch of Writ Petitions the Court has suggested appointment of a Retired High Court Judge of this Court to take over the society as well as the institution functioning under it, till the resolution of the raging controversies as to the settlement of the issue of membership of the society, the conduct of the election to the society and the final handing over the administration of the institution to the duly elected society. The Advocates appearing for the respective parties in the Writ Petitions have agreed to the suggestion of appointment of a Retired High Court Judge to be the Administrator of the society and the college till a composite and comprehensive resolution is found and implemented. The suggestion for appointment of independent administrator is necessitated for the reason that both the society and the college cannot afford to be entangled and enmeshed in troubled waters, for indefinite period of time undermining the avowed objects of the society for which it was established and the academic well being of the college run by the society.

3.The relevant facts are briefly stated hereunder as a preface to the suggestion of this Court being taken forward and exhaustive directions issued for disposing of all the Writ Petitions.

4.Yadhavar Kalvi Nithi which is a registered society was established for the welfare of the Yadhavar community owning a land in Survey No.6/17 and 6/13 at Thiruppalai Village as a consequence of Government allotting the same to the society vide G.O.Ms.o.2350, Revenue Department, dated 24.07.1970 for construction of college building. The society and the College management admitted life members by receiving life membership subscription from members of the community, particularly, with reference to the construction of the college buildings in the Government allotted land. It appeared



that over a period of time, the College Management Committee admitted several hundred members and there also appears to be a dispute as to the number of valid members with reference to the life membership subscription paid by the community members to the society and the College Management Committee as well.

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5.The facts would disclose for very many years, there has been running dispute as to the actual membership of the society and the management committee of the college and that gave rise to filing of several writ petitions at the instance of the members. The dispute as to the actual life membership of the society had its fall out in the conduct of the election to the society and the related matters. There has been simmering discontentment from among the members of the society and the college committee for considerable period of time, plunging the society and the college into an almost moribund state for several years in a row.

6.Be that as it may, in regard to the dispute as to the membership of the society, an enquiry appeared to have been initiated under Section 36 of the Tamil Nadu Societies Registration Act by the Inspector General of Registration in 2012 which gave rise to the filing of the batch of Writ Petitions in W.P.(MD)Nos.13589 of 2011, 2582, 5948, 8451, 15393, 15403, 16595 to 16599 of 2012 and 1124 of 2013. On the basis of the direction passed by this Court, an enquiry was conducted under Section 36 and report was submitted on 28.03.2012 holding that there was no authentic membership list and therefore, any General Body or Extraordinary General Body meeting conducted by them was not in accordance with the provisions of the Tamil Nadu Societies Registration Act and therefore, recommended for appointment of Special Officer under Section 34 A of the Tamil Nadu Societies Registration Act. It also recommended for identification of the proper members and finalise the list of the actual members of the society and the college committee.

7.In 2013, this Court has accepted the report and a direction was issued to State Government to consider the report independently for appointment of Special Officer. As against that, Writ Appeals in W.A.(MD)Nos.381 to 385 of 2013 were filed and the same were subsequently withdrawn on 03.04.2018.

8.In the meanwhile, the State Government had accepted the report of the Inspector General of Registration dated 28.03.2012 and appointed Smt.V.Vasuki, the Deputy Inspector General of Registration as a Special Officer to manage the affairs of the society in terms of Section 34A of the Tamil Nadu Society Registration Act vide G.O.Ms.No.96, Commercial Taxes and Registration (M1) Department, dated 27.07.2018. Simultaneously, the Government passed G.O.Ms.No.212, Higher Education (D2) Department, dated 05.09.2018 appointing the District Collector, Madurai, as a Special Officer for Yadhava College, Madurai. The Government Order mandated that the

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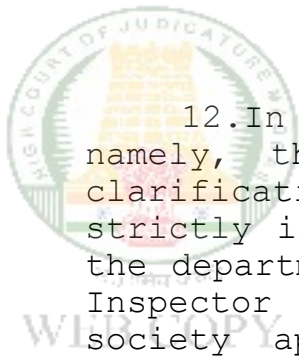
and run the affairs of the said college efficiently in accordance with the provisions of the Tamil Nadu Private College Regulations Act, 1976.

9.Likewise, for managing the society, the aforementioned Deputy Inspector General of Registration, was appointed to discharge the duties and responsibilities in accordance with the provisions of the Tamil Nadu Society Registration Act and Rules framed thereunder. While appointing the Special Officer for managing the society for a period of one year, a specific direction was incorporated in the Government Order itself in paragraph 11 which is extracted hereunder:

"11.Accordingly, in exercise of the powers conferred in clause (a) of Sub-section (1) of Section 34-A of the Tamil Nadu Societies Registration Act, 1975 (Tamil Nadu Act 27 of 1975), the Governor of Tamil Nadu hereby appoints Tmt.V.Vasuki, Deputy Inspector General of Registration, Madurai as Special Officer to the Society, "Yadhavar Kalvi Nidhi" (Reg. No.85/1962) for a period of one year. The Special Officer shall manage the affairs of the committee of the society for a period of one year from the date of issue of order. Further the Special Officer shall take speedy action to set right the mismanagement noticed in the said society and shall hand over the society to the proper committee members by conducting election within one year."

10.The aforementioned orders of the Government had been subjected to Challenge at the instance of one Mr.K.P.Navaneetha Krishnan in W.P.(MD)No.17982 and 20242 of 2018. This Court on 28.11.2018 on the basis of broad consensus between the rival claims directed the finalisation of electoral rolls after accepting the necessary subscription and the membership list be finalised on or before 31.11.2018. The Court further directed the Special Officer to proceed with the finalisation of electoral members list. This Court has also restrained the Special Officer from proceeding with the election till the finalisation of the membership list. The said Writ Petitions are also to be covered under this common order.

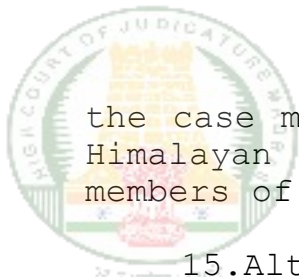
11.It also transpired that the Special Officer appeared to have initiated action for proceeding to hold election with 58 odd members and in that regard a proceedings was also issued by the Special Officer on 23.03.2019. The said proceedings has also been put to challenge in W.P.(MD)No.8773 of 2019 which is also to be covered under this common order. The Registration Department in the meanwhile passed an order on 12.04.2019 that the action of the Special Officer was incorrect and gave certain directions for admission of members and finalisation of list by accepting subscription from eligible members. The Department has also restrained the Special Officer from going ahead with the election process initiated by her.



12. In line with the Department's advice, the second respondent, namely, the Inspector General of Registration also has issued clarification directing the Special Officer to hold election strictly in terms of the Government advice. Despite the advice by the department and the clarification dated 26.06.2019 issued by the Inspector General of Registration, the Special Officer of the society appears to have issued a proceeding dated 17.09.2019 publishing the election schedule with only 58 odd members contrary to the instructions by the Government and also clarification of the Inspector General of Registration. Therefore, the said action of the Special Officer is also put to challenge in W.P.(MD)No.21218 of 2019 and W.P.(MD) No.21311 of 2019 along with another Writ Petition (MD)No.21216 of 2019 seeking issuance of Writ of Mandamus. As far as W.P.(MD)No.21216 of 2019 is concerned, the prayer is to hold election strictly in compliance with the department letter dated 12.04.2019 and clarification issued by the Inspector General of Registration dated 26.06.2019 under the supervision of a former Judge of this Court.

13. From a perusal of the letter dated 12.04.2019 issued by the Registration Department addressed to the Inspector General of Registration under a copy to the society, it is clearly mentioned that there must be proper identification of life members and unless such identification has been done thoroughly and comprehensively, election may not be conducted. In fact, the communication would refer to 17,559 registered membership. This advice was followed by clarification dated 26.06.2019 by the Inspector General of Registration, who reiterated that there has to be proper identification of valid life members and only after finalisation of the membership list, the election process could be set in motion. Thereafter, the Special Officer issued election notification on 17.09.2019 which has been subjected to challenge in the aforementioned writ petitions which are all covered under this common order.

14. The brief narrative of the above would disclose that as on date neither the society nor the College Management Committee is in charge of the society or the college, in the face of the recurring dispute and giving rise to multiple and plethora of challenges before this Court through various Writ Petitions. From the records, it could also be seen that a scheme suit is pending as on date in O.S.No.587 of 2008 before the Court of Subordinate Judge, Madurai, in regard to the mismanagement of the society. Further, in one of the Writ Petitions, it is also averred that nearly 5282 life members who paid life membership subscription to both the society and the College Management Committee, whose names had been willfully omitted without any notice to them. In the said circumstances, the foundation of dispute and the most imperative of all the controversies is in relation to the finalisation of valid life members of the society and the College Management Committee and the



the case may be. Therefore, the magnitude of said dispute assumes Himalayan proportion in identifying the actual and valid life members of the society as well as the College Management Committee.

15.Although the Government has appointed a Special Officer vide G.O.Ms.No.96, Commercial Taxes and Registration (M1) Department, dated 27.07.2018 there again the conduct of the Special Officer has been questioned and allegations have also been made against the functioning of the Special Officer by one faction of the society and the Writ Petitions have been filed challenging her action towards conduct of election without proper identification of the life members of the society.

16.The range of dispute and its variegated nature which have been time and again landing on the lap of this Court and in consideration of piecemeal challenges, directions have been given but ultimately, neither the society or the college has been able to function peacefully and smoothly. Every now and then, at the drop of a hat, one member or the other would come up with a challenge or would approach this Court for some kind of a direction thus affecting the effective functioning of the society and the management of the college as well. The conduct of some members by bringing the day-to-day affairs of the society and the college under the purview of this Court by filing one writ petition after another, has stultified and stymied the wholesome management of the society and the college, not allowing it to function to its full potential in terms of the object for which both the society and the institution were founded and established.

17.What is more disquieting and disconcerting for this Court is that for very many years, the members have been approaching this Court with multiple grievances and not allowing the society or the college to function without a day free of pendency of litigation in Courts. It is very unfortunate that the society and the college could be ever locked up in multitude of litigations embroiling both the society and the college in a permanent state of controversies as a consequence of pending litigations all the time for some reason or the other.

18.It is needless to mention that if a society or institution, particularly, educational institution could be subjected to constant litigious onslaught for a number of years incessantly under the ruse of vindicating each stakeholder's right or under the pretext of correcting any imagined or apprehended illegality in the conduct of the election to the society or the management of the college, both the entities would become dysfunctional and would ultimately fade into oblivion. This Court is unable to comprehend or appreciate as to how could the society and the institution function or run on the basis of unpredictable directions of this Court from time to time in tune with the expediencies without a finding on acceptable and



together?

19. In the overall consideration of the troubled history of the society and the college for the last several years, with a view to find a lasting solution at least for the wellbeing of the society and college in the future, this Court without delving into the validity of the challenges made in the individual writ petitions and also without examining the veracity of the competing claims and the statements of the parties to the litigations has proposed to dispose of all the Writ Petitions by appointing a retired Hon'ble Judge of this Court to take over the society as well as the college for the present. The retired Hon'ble Judge of this Court, who is to be appointed under this order, would take charge of the administration of the society viz., Yadhavar Kalvi Nithi as well as the administration of "Yadhava College" for all purposes, till the life membership of the society is properly identified and finalised and elections to the society to be conducted thereupon and the declaration of the results of the office bearers of the society and the final handing over of the reins of the society to the duly and newly elected members/office bearers. Till such time, the Hon'ble Administrator would be the sole authority and all decision regarding the society and the administration of the college must necessarily emanate from him and with his concurrence and approval. The Hon'ble Administrator is also at liberty to appoint any official/s to assist him in discharge of his duty as Administrator of the society and the college, as he deems fit.

20. In the conspectus of the above discourse, this Court appoints the Hon'ble Judge (Retired), Madras High Court, Shri.S.RAJESWARAN, as an Administrator of the society viz., Yadhavar Kalvi Nithi as well as Yadhava College, Madurai, with effect from the day he assumes charge. As a consequence of the appointment of the Hon'ble Administrator hereinabove, the following directions are issued:

(i) The Hon'ble Administrator would be the sole in-charge of the administration of the society (Yadhavar Kalvi Nidhi) as well as the administration of the college (Yadhava College), henceforth after assumption of charge. The Hon'ble Administrator may initiate appropriate action for bringing the finances of the society and the college under his control and supervision during the period of his administration.

(ii) The Hon'ble Administrator is requested to accord first priority for identification of the actual valid life members of the society and the Management Committee of the College which appear to be the bone of contention among the warring members of the society and the College Management Committee.



(iii)The Hon'ble Administrator may take the assistance of any official/s in the process of identification and the finalisation of the membership list of valid life time members of the society and the college committee, besides for his day-to-day discharge of his duties and functions relating to the administration. Any appointment/s made by Administrator for the said purpose would be the appointment/s approved by this Court.

(iv)The Hon'ble Administrator may draw up a time line and road map in the run up to the eventual conduct of elections to the society/college committee after finalisation of the valid membership list, on the basis of his assessment of the magnitude of the work involved in such exercise.

(v)All matters relating to the management of the society and the college would come under the purview of the Administrator and any interaction with the Government officials in regard to the administration of the society as well as the college would henceforth be only between the Hon'ble Administrator and the Government authorities. These would include Banking Transaction in relation to the society and the college as well.

(vi)Any communication or approval or concurrence in regard to the discharge of the duties by the Hon'ble Administrator both in respect of the society as well as the college, the State authorities are directed to interact only with the Administrator during his period of Administration.

(vii)Any legitimate grievance/s from the stakeholders of the society and the college, such grievance/s need to be projected/addressed before the Hon'ble Administrator and his decision shall be final and binding on society as well as the college.

(viii)In case any clarification is required in the discharge of duties of the Hon'ble Administrator, connected to the administration or any issue arising out of the decision making process of the Hon'ble Administrator, such clarification may be obtained by moving appropriate petition/application before this Court only, either at the instance of the Hon'ble Administrator or others concerned. The limited latitude provided herein would not mean that every decision of the Administrator must call for attention of this Court and subjected to judicial review, by derailing the process of the Hon'ble Administrator the exercise in terms of the mandate of this



decision.

(ix)The Hon'ble Administrator after completion of the conduct of election and declaration of results and further facilitation of smooth assumption of office by the duly elected office bearers of the society and the college, may hand over the reins of administration of the society and the college to the elected members of the society and the college. The appointment/s made by the Hon'ble Administrator for assisting him in the administration is/are co-terminus with the handing over of the administration of the newly elected office bearers of the society and the management committee of the college.

(x)The Hon'ble Administrator is at liberty to fix his monthly remuneration for himself for the task assigned to him by this Court and in the process, he is also at liberty to fix respective remuneration of any persons/officials to be engaged by him in assisting him to carry out his overall function as an Administrator of the society and the college.

(xi)This Court was informed that the society by itself is not very resourceful in meeting the remunerative requirements under the present arrangements. However, this Court was informed that the college has sufficient funds for meeting such requirements. The remuneration as fixed and payable to the Hon'ble Administrator and also to other persons to be engaged by him is to be paid from the funds of Yadhava College.

(xii)The society and the college are also directed to provide a modest office accommodation for the Hon'ble Administrator to discharge his function effectively along with his Assistants and the staff of the society/college. The staff of the society and the college are directed to extend their utmost and active cooperation to the Hon'ble Administrator in discharge of his duties and functions. A suitable office space may be made available either in the college premises or any other place convenient for the administration.

(xiii)The members of the society and the college administration are also directed to make available the practical requirements of the Hon'ble Administrator for his presence in the office to enable him to function without any constraints.

(xiv)It is also clarified that apart from the remuneration to be fixed by the Hon'ble Administrator, the



actuals for the expenses to be incurred by him and other assistants for Travel and Stay etc.

19. In view of the appointment of the Hon'ble Retired Judge of the High Court of Madras Shri.S.RAJESWARAN, as Administrator, the Government Order in G.O.Ms.No.96, Commercial Taxes and Registration (M1) Department, dated 27.07.2018 appointing Tmt.V.Vasuki, Deputy Inspector General of Registration, Madurai as Special Officer for managing society viz., Yadhavar Kalvi Nithi and the Government Order in G.O.Ms.No.212, Higher Education (D2) Department, dated 05.09.2018 appointing the District Collector, Madurai, as Special Officer for managing the Administration of the Yadhava College shall stand set aside.

20. All the Writ Petitions raising various other prayers are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM

To

1. Hon'ble Thiru. Justice S.Rajeswaran,
(former Justice)
No.AA.67, II Street,
Near Raundona Nalli Silks House,
Anna Nagar, Chennai 40.
2. The Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
3. The Secretary,
Department of Higher Secondary Education (D2),
Fort St. George, Chennai - 600 009.
4. The Principal Secretary,
Commercial Taxes and Registration (M1) Department,
Fort St. George,
Chennai.
5. The Director of Collegiate Education,
O/o. Director of Collegiate Education,
College Road, Nungambakkam,
Chennai - 600 006.

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



6.The Regional Joint Director of Collegiate Education,
O/o. Regional Joint Director of Collegiate Education,
Madurai Region,
Palam Station Road, Sellur, Madurai - 2.

7.The Registrar of Societies,
Madurai North, Bibikulam,
Madurai - 2.

8.The Inspector General of Registration,
Santhome, Chennai - 600 028

9.The Deputy Inspector General of Registration
and Special Officer, Yadhavar Kalvi Nithi
(Reg. No.85/1962), Madurai
Madurai District.

10.The District Collector,
Madurai District, Madurai.

+2 CC to Mr.ABDUL HAMMED, Advocate SR.No. 14931 & 14932

Order made in
W.P. (MD) Nos.14362, 14569, 14570, 17982 and 20242 of 2018, 8772,
8773, 21216, 21218 and 21311 of 2019
31.03.2021

PK(CO)
TR(31.03.2021) 21P 13C