



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2022
CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.24802 of 2017
and
WMP.Nos. 26189 & 26190 of 2017

Mrs. Vidya Chetan

... Petitioner

Vs

1. The District Registrar-Societies,
Chennai North,
No.1, Murthikal Lane,
Rajaji Salai,
Chennai 600 001.

2. The Dakshina Gujarathi Khedawal Samaj,
(Regd.A.No.271/1985),
(mota Uttara).
Sriniketan,
375/185, Mint Street,
Chennai 600 003,
rep. by its President.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st respondent to incorporate the resolution passed by the second respondent on 29.12.2002 granting membership and voting rights to its women members in terms of the petitioner's representation dated 11.12.2012 & 26.02.2013 and to that effect amend the constitution and byelaws of the second respondent and further order that henceforth all the meetings of the second respondent should be convened and conducted only after issuing prior and proper notice to all its women members.

For Petitioner : Mr. N.L.Raja,
Senior Counsel,
for Mr. B.Harikrishnan

For Respondents : Mr. S.Ravikumar,
Spl. G.P.,
for R1

: Mr. K. Harishankar,
for R2



O R D E R

This writ petition has been filed seeking a direction to the first respondent to incorporate the Resolution passed by the second respondent/Society on 29.12.2002 granting membership and voting rights to the women members, based on the representation given by the petitioner.

2. According to the petitioner, the second respondent/society was formed in the year 1985 and as per the existing bye-laws, only male members of Gujarati Brahmin Community are entitled to become members. Even though the association has been formed for the welfare of the members of the community, they are not permitting women to join in the Association. Earlier, the society passed a Resolution dated 29.12.2002 to amend the constitution and bye-laws to include women as members of the Society. Even though, the Resolution was communicated to the first respondent /Registrar, so far no order has been passed. Hence, the present writ petition.

3. The second respondent filed a counter affidavit disputing the above said facts stating that as per the existing bye-laws, for amending the bye-laws, minimum quorum of 50 members is required and out of which, 2/3 members should approve the same, but the above resolution is passed without quorum. Now, the second respondent is ready and willing to pass another Resolution to amend the bye-laws of the Society.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the second respondent submitted that a Resolution has been passed to amend the bye-law by the second respondent on 24.04.2022 in the Extraordinary General Body Meeting (EGM) with adequate quorum and the Resolution reads as follows:-

"All Dakshina Gujarathi Khedawal also known as "Tanjore Gujarathis"Hindus Male and Female who have completed the age of 21 years are entitled for membership. The female members, who are married to Dakshina Gujarathi Khedawal male members belonging to our samaj alone shall be entitled for membership with effect from 24th April 2022 (Prospective). However, their admission will be subject to the approval of Board of Administrators".

The learned counsel submitted that they will send the Resolution to the first respondent within a week for approval.

5. Considering the fact that, now, the second respondent has passed the Resolution, permitting the women also to join as members, the grievance of the petitioner has been redressed. The second respondent is directed to communicate the Resolution to the first respondent on or before 16.05.2022. On receipt of the same, the first respondent is directed to consider the same and pass suitable orders to amend the



existing bye-law, on or before 31.05.2022.

6. With the above directions, this writ petition is disposed of .No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp
To

1. The District Registrar-Societies,
Chennai North,
No.1, Murthikal Lane,
Rajaji Salai,
Chennai 600 001.

+2 ccs to Mr.K.Harishankar, Advocate Sr.NO. 30110
+5 ccs to Mr.B.Harikrishnan, Advocate Sr.NO. 30260
+1 cc to Government Pleader Sr.NO. 30985

W.P.No.24802 of 2017

GMR(CO)
A.SK(20/05/2022)