



WEB COPY

W.P.(MD).Nos.9516 and 9517 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .Nos.9516 and 9517 of 2010

and

M.P(MD) .Nos.2,2 of 2010

PMR Matriculation Higher Secondary School,

Represented by its Chairman

Mr.P.Muthuvelraj.

... Petitioner

(In W.P(MD)No.9516 of 2010)

Tamil Nadu Naidu Mahajana Sangam,

Registered Society bearing

Regn.No.132 of 1973,

15.B, Ayyanar Koil Street,

Anupanadi, Madurai-625 009,

Represented by its President

Mr.C.Venkatasubbu

... Petitioner

(In W.P(MD)No.9517 of 2010)

Vs.

1.The District Registrar of Societies,

Madurai South Regn. District,

Palace Road,

Mahal, Madurai 625 001.

2.Mannar Thirumalai Naicker College,

Founded by Tamil Nadu Naidu Mahajana Sangam,

Registered Society bearing

Regn.No.132 of 1973,

Represented by its Secretary,

Pasumalai, Madurai 625 004. ... Respondents(In both cases)

PRAYER IN BOTH CASES : 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 of the respondents culminated in Order No.Na.Ka.2958/E.1/2010 dated 28.05.2010 of the first respondent, the District Registrar of Societies, Madurai South, and quash the same and direct the first respondent to pass appropriate order, after affording personal hearing complying with principles of nature justice as the Court may deem fit and proper in the circumstances of the case.



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For Petitioner : Mr.K.R.Laxman
(In both cases)
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate
for R1
(In both cases)
Mr.S.Seenivasagam
for R2
(In both cases)

ORDER

These writ petitions have been filed by two different petitioners challenging an order dated 28.05.2010, passed by the first respondent herein.

2. As per the said order, the District Registrar has accepted a special resolution of the general body dated 04.11.2007, under which the bye-laws have been amended by the society. Once the amendments are within the powers of the society and within the statutory limits of the Tamil Nadu Societies Registration Act the first respondent herein, who is performing ministerial duty of accepting amendments, cannot play any role unless the amendments brought in are beyond the powers of the society. In the present case, the proposed amendments of the Registrar Society do not in any way are in contravention of the Societies Registration Act. In such event, the District Registrar would be bound by the special resolution passed by the general body of the society and his acceptance cannot in any way be challenged before the writ Court. If at all the petitioners have got any grievance over the amendments of the said by-laws, they can approach the Civil Court.

3. With the said liberty, both the Writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gbg



To

The District Registrar of Societies,
Madurai South Regn. District,
Palace Road,
Mahal, Madurai 625 001.

+2 CC to M/s.K.R.LAXMAN, Advocate (SR-24360[F],24361 dated
07/06/2022)

+1 CC to M/s.SPL.GP (SR-24388[F] dated 07/06/2022)

+1 CC to M/s.S.SEENIVASAGAM, Advocate (SR-24518[F] dated 08/06/2022

W.P. (MD) .Nos.9516 and 9517 of 2010
06.06.2022

NSN(CO)
KB(21.06.2022) 3P 6C