



W.P.(MD).No.5955 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.5955 of 2019

and

W.M.P.(MD).Nos.4771, 4772, 4773 and 4774 of 2019

V.O.C. Matriculation School Educational Society,
Represented by its Secretary/Correspondent,
F.Vincent Jayakumar.

... Petitioner

Vs.

1.The District Registrar (Administration),
O/o. the District Registrar,
1-A, Tirupathur Salai,
Sivagangai,
Sivagangai District.

2.M.S.Sundaresan

...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 order passed by the first respondent in his proceedings in ந.க.எண்.502/அ2/2019 dated 07.03.2019 and quash the same as illegal and consequently to forbear the second respondent from interfering in the administration of the petitioner's society in terms of Form VII accepted by the first respondent in his proceedings no.nil dated 08.02.2019.



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For Petitioner : Mr.T.N.Rajagopalan
For R-1 : Mr.K.S.Selvaganesan,
Additional Government Pleader.
For R-2 : Mr.S.Srinivasa Raghavan

ORDER

Heard the learned counsel on either side.

2. The case on hand pertains to the affairs of V.O.C. Matriculation School Educational Society. The election for electing the office bearers of the Executive Committee was held on 24.04.2016. One M.S.Sundaresan/ the second respondent herein was elected as the Secretary of the Society. Allegations were made against him by one Thiru.Guru Subramanian leading to passing of the order, dated 07.12.2018, by the District Registrar. By the said order, the District Registrar has not only cancelled the Form-VII, which was filed on 22.02.2018, but also directed holding of fresh election. The said order was put to challenge in W.P.(MD).No.24706 of 2018 and this Court had granted an interim order of stay. In the meanwhile, the District Registrar / the first respondent herein issued the impugned communication bearing Na.Ka.No.502/A2/2019, dated 07.03.2019, opining to the police authority that till an appropriate order is passed, the Executive Committee, which was elected on 24.04.2016, would continue to hold office.



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3. The first respondent ought to have borne in mind the statutory mandate set out in Section 15(4) of the Tamil Nadu Societies Registration Act, 1975, which categorically states that the term of office of the members of the Committee shall not exceed three years from the date of their appointment. Therefore, the Executive Committee, that was elected on 24.04.2016, could have held office only till 23.04.2019. The impugned opinion given by the first respondent to the jurisdictional Deputy Superintendent of Police does not take note of the aforesaid statutory mandate. To that extent the impugned opinion permits holding of office beyond 23.04.2019, it is clearly bad in law and it is accordingly set aside.

4. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
Lm



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To

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O/o. the District Registrar,
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G.R.SWAMINATHAN, J.

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