



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.20334 of 2021

and

W.M.P. (MD) .No.16983 of 2021

The Bodinaickanur Nadar Uravin Murai Sangam,
Rep.by its President,
R.Gopal.

... Petitioner

Vs.

1.The District Registrar (Audit),
(Administration) (FAC),
District Registrar Office,
Periyakulam,
Theni District.

2.P.N.Vairamani

3.R.Babu Ramesh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent not to accept the Form VII containing the list of Office Bearers elected to the petitioner's society on 07.11.2021 to be submitted by the second and third respondents or any other office bearers.

For Petitioner : Mr.R.Velmurugan

For R-1 : Mr.J.John Rajadurai,
Government Advocate

For R-2 and R-3 : Mr.A.Mithun Chakaravarthy

ORDER

This Writ Petition has been filed in the nature of Mandamus, but quite strangely seeking a negative relief directing the first respondent/the District Registrar (Audit) (Administration) (FAC), District Registrar Office, Periyakulam, Theni District not to accept Form-VII containing the list of office bearers elected to the petitioner's society on 07.11.2021.



2. The petitioner society is Bodinaickanur Nadar Uravin Murai Sangam. In the cause title one R.Gopal claims that he represents the petitioner's society as its President. There are two other respondents namely P.N.Vairamani, who is shown as the second respondent and said to be the Secretary and R.Babu Ramesh, who shown as the third respondent, said to be the President. That description itself shows that even in that particular society, the petitioner had shown two different individuals as the President of the Society.

3. Naturally, there are disputes. If there are disputes with respect to elections of Society, the Registrar of Society may enquire into the same but the actual adjudicating authority would be a competent Civil Court having necessary territorial jurisdiction of the area.

4. The Writ Court cannot interfere with the official functioning of any officer and also issue a Mandamus directing a particular officer not to do a particular act. Here the petitioner seeks a Mandamus directing the first respondent not to receive Form-VII if presented by the second and third respondents.

5. The relief sought cannot be granted by this Court. If a Form-VII is actually presented, a duty is cast on the first respondent to receive the same. He cannot refuse to receive it. The Court cannot encourage him not to receive it. If he receives it, he should make a record of the list of members who are shown in the particular Form in the relevant registers. It is considered to be a ministerial act. If the petitioner has grievances over the names in the Form-VII, then he will take up the issue in manner known to law. But the fact is that the Form-VII has to be presented and, if it is presented, the first respondent has to receive the same.

6. Quite strangely, the second and third respondents have also filed similar Writ Petition earlier and that Writ Petition had suffered the same fate which this present Writ Petition has now to suffer, namely an order of dismissal.

7. With the said observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

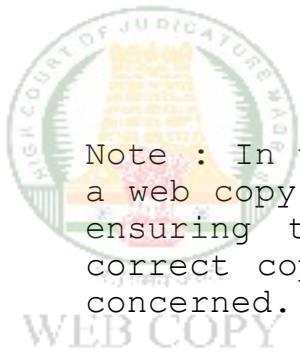
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

The District Registrar (Audit),
(Administration) (FAC),
District Registrar Office,
Periyakulam,
Theni District.

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-961[F] dated 10/01/2022)

W.P (MD) No.20334 of 2021
06.01.2022

RK(01/02/2022) 3P 3C