



W.P.(MD).No.24706 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.24706 of 2018

and

W.M.P.(MD).No.22397 of 2018

V.O.C. Matriculation School Educational Society,
Paramakudi,
Ramanathapuram District,
Represented by its Correspondent.

... Petitioner

Vs.

1. The District Registrar
(Administration),
Office of the District Registrar,
Thirupathur Road,
Sivagangai District.

2. G. Subramanian

... 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 of the first respondent in Na.Ka. No.1497/A2/2018 dated 07.12.2018 quash the same and consequently forbear the second respondent, his men or any one through him from interfering with the peaceful running of the VOC Matriculation Higher Secondary School at Paramakudi, Ramanathapuram District.



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For Petitioner : Mr.S.Srinivasa Raghavan
For R-1 : Mr.J.K.Jayaseelan,
Government Advocate.
For R-2 : Mr.R.Velmurugan

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. Form-VII was submitted on 22.02.2018. On the same day, it was also taken on file. Later, a complaint was made by the second respondent that certain irregularities were committed. After holding an enquiry, the first respondent not only cancelled the Form-VII, but also directed holding of fresh election, vide order dated 07.12.2018. The same is put to challenge in this Writ Petition.

3. It is well settled that the Registrar performs only a ministerial function while entertaining Form-VII and only if certain gross defects or submission of two rival forms are noticed, then alone, he can conduct a summary enquiry as envisaged by the Hon'ble Full Bench of this Court in the decision reported in 2005 (2) CTC 161.



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4. In the case on hand, the first respondent had virtually assumed a quasi judicial role and proceeded to pass the impugned order. It has also been held, in many decisions, that the District Registrar, while exercising the power under Section 36 of the Tamil Nadu Societies Registration Act, 1975, cannot direct holding of elections. On the very face of it, the impugned order is lacking in jurisdiction and it is set aside.

5. The writ prayer contains two parts. In the consequential part of the writ prayer, the petitioner seeks relief against the private party / the second respondent. For the said relief, the petitioner has to necessarily approach the jurisdictional Civil Court for working out his remedies. I therefore decline the consequential relief sought for by the writ petitioner.

6. This Writ Petition is partly allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Internet : Yes/ No
Lm



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To

The District Registrar
(Administration),
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G.R.SWAMINATHAN, J.

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