



W.P.(MD)No. 11412 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No. 11412 of 2023
and
W.M.P(MD)No.9893 and 9894 of 2023

C.Shanmugasundaram Pillai

... Petitioner

Vs.

1. District Registrar
Office of District Registrar (Admin) (I/c),
Tuticorin

2.Chellasamy
The Sub Registrar (Chits and Societies),
Office of the District Registrar,
Tirunelveli

3.Fit Person
M/s.Karkathar Sangam Tirunelveli,
(Registered No.2/1919),
No.42, Venuvaraikumar Kovil Street,
Tirunelveli Town,
Tirunelveli

4.S.Sankarabagam

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the impugned order passed in No.6123/E1/2022, dated 25.04.2023 on the file of the first respondent herein and its consequential impugned order passed in Na.Ka.No.6123/e1/2022, dated 02.05.2023, on the file of the first respondent, pertaining to appointment of 2nd respondent as Supervisor to the petitioner society for conductance of the Fresh Election and to quash both as illegal and further direct the first respondent to approve the pending Form VII, dated 28.12.2022 in accordance with law.

For Petitioner : Mr.K.R.Laxman

For R1 : Mr.D.Gandhiraj,
Special Government Pleader

For R4 :Mr.M.Karthikeya Venkatachalapathy

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the impugned order passed in No. 6123/E1/2022, dated 25.04.2023 on the file of the first respondent, pertaining to appointment of 2nd respondent as Supervisor to the petitioner society for conductance of the Fresh Election and to quash both as illegal and further direct the first respondent to approve the pending Form VII, dated 28.12.2022 in accordance with law.



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2. The petitioner claims that he is a President of Karkathar Sangam, Tirunelveli District. As far as the petitioner society is concerned, a General Body Meeting was conducted on 18.12.2022 in which the subject of several allegations upon the earlier office bearers and the mismanagement was deliberated. At the time of General Body Meeting, the entire members of the General Body Meeting expressed their displeasure in the earlier office bearers and they also equally expressed their hope and confidence upon the new office bearers including the petitioner being the President. In that General Body Meeting, they unanimously elected the petitioner as the President and other members as office bearers. Upon selection, the petitioner submitted a Form-VII application dated 28.12.2022 before the first respondent as prescribed under the Societies Registration Act and as per the byelaws to the first respondent in order to authenticate the assumption of the respective post as office bearers. The said Form-VII is pending approval till date.

3. However, without considering the Form-VII application filed by



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the petitioner, the first respondent has passed the impugned order dated 25.04.2023 pertaining to appointment of 2nd respondent as Supervisor to the petitioner society for conducting a Fresh Election. According to the petitioner, the impugned order is not sustainable in law since already office bearers were unanimously selected and assumed the office of the third respondent without any adversity.

4. It is further averred by the petitioner that another Writ Petition in W.P(MD)No.9330 of 2023 was filed by the fourth respondent namely Sankarabagam, before this Court seeking a direction to the first respondent to monitor the General Body meeting and the election of Karkathar Sangam, Thirunelveli schedule to be held on 07.05.2023 at 42, Venuvanakumarankovil Street, Tirunelveli Town and to ensure that the General Body Meeting and Election to be held as per the byelaws of Sangam. This Court vide its order dated 26.04.2023 passed the following order:

"Let me not enter into any discussion on the averments made in the writ petition.



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2. It is informed that after the writ petition has been filed, by proceedings dated 25.04.2023 in No.6123/E1/2022, the District Registrar, Tirunelveli, has appointed one Chellasamy, Sub Registrar, Chit and Sangam, as Supervisor of Karkathar Sangam, Tirunelveli.

3. In view of that particular fact, no further order is required to be passed in the present writ petition. Accordingly, this Writ Petition is disposed of. 26.04.2023”.

According to the petitioner, that Writ Petition was filed by suppressing the earlier conductance of General Body Meeting on 18.12.2022 and its consequential unanimous selection of office bearers. Now, the petitioner's right has been deprived by passing the impugned order, that too, when the Form-VII application is pending before the first respondent. Hence, the learned counsel for the petitioner prays for quashing the impugned order and for consequential direction to the first respondent to approve the pending Form VII, dated 28.12.2022 in accordance with law.



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5. The learned counsel for the fourth respondent would submit that admittedly, on 18.12.2022, General Body Election was conducted and there is no election on that date and unanimously the petitioner was declared as the President and other office bearers were also elected. Admittedly, Form-VII application is pending before the first respondent. The Writ Petition filed by the fourth respondent in W.P(MD)No.9330 of 2023 was disposed of by recording the fact that by proceedings dated 25.04.2023 in No.6123/E1/2022, the District Registrar, Tirunelveli, has appointed one Chellasamy, Sub Registrar, Chit and Sangam, as Supervisor of Karkathar Sangam, Tirunelveli. Hence, the earlier election of members through General Body Meeting unanimously is not legally sustainable and he prayed for dismissal of this Writ Petition.

6. The learned Government Advocate would fairly submit that Form-VII application is pending before the first respondent, which was filed through on-line. Subsequent election of office bearers of Karkathar Sangam for conducting election is not sustainable and he prays for dismissal of this Writ Petition.



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M.DHANDAPANI,J.

CM/Ogy

To

The District Registrar,
Office of District Registrar (Admin) (I/c),
Tuticorin

W.P.(MD)No. 11412 of 2023
and W.M.P(MD)No.9893 and 9894 of 2023

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