



W.P.(MD)No.13291 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13291 of 2020

E.R.Higher Secondary School Society,
represented by its Secretary,
R.Suseela Rangarajan,
Chinthamani, Tiruchirappalli-620 002.

... Petitioner

vs.

1.The Inspector General of Registration,
Santhom High Road, Mylapore, Chennai – 600 004.

2.The District Registrar, Trichirappalli – 620 001.

3.R.Saravanakumar

... Respondents

(R3 was impleaded vide order of this Court, dated 20.11.2023 in W.M.P.
(MD)No.1727 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to approve the Form-VII proposal submitted by the petitioner Society (Registration No.19/2004) dated 02.12.2019.

For Petitioner	:Mr.V.Panneer Selvam
For R1 and R2	:Mr.K.S.Selvaganesan Additional Government Pleader
For R3	:Mr.K.Ragatheeshkumar for M/s.Isaac Chamber



W.P.(MD)No.13291 of 2020

WEB COPY

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to approve the Form-VII proposal submitted by the petitioner society and to pass necessary orders within the time frame fixed by this Court.

2.The grievance of the petitioner is that the petitioner School is in existence for more than 125 years and it was originally administrated by one C.Rangasamy Iyer and on his demise, by his son E.R.Nataraja Iyer. The administration ultimately fell in the hands of N.Rangarajan, who is a retired IAS officer. The family members were staying at various places and were holding responsible posts and therefore, they were not able to personally administer the School. In view of the same, one T.M.Srinivasan was nominated, as the Secretary in the year 1993. The entire issue started only thereafter and the said T.M.Srinivasan started inducting some outsiders. The same resulted in filing of a suit in O.S.No. 201 of 2012 and also Writ Petition before this Court.

3.The further case of the petitioner is that the petitioner is now the



W.P.(MD)No.13291 of 2020

Secretary of the School and that the impleaded third respondent, who has absolutely nothing to do with the school, is claiming right. The petitioner had submitted the Form-VII before the second respondent for approval and the same is pending. It is under these circumstances, the present Writ Petition has been filed before this Court.

4.Heard Mr.V.Panneer Selvam, learned learned Counsel appearing on behalf of the petitioner, Mr.K.S.Selva Ganesan, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and Mr.K.Ragatheeshkumar, learned Counsel appearing on behalf of the third respondent.

5.The learned Counsel for the petitioner submitted that the impleaded third respondent has absolutely no right to make any claim or right in the administration of the School and that, he was none other than a Counsel, who was representing the then Secretary before the Court in the litigations that were instituted at that point of time. The learned Counsel for the petitioner submitted that the second respondent is duty bound to act upon the records, that are available in the hands of the



W.P.(MD)No.13291 of 2020

second respondent and to take a decision on the Form-VII that has been sent for approval.

6.The learned Additional Government Pleader appearing on behalf of the respondents 1 and 2, based on the status report, that was filed before this Court by the second respondent, submitted that there were civil suits and Writ Petitions, that were filed between the parties and that apart, there was a rival claim made by the impleaded third respondent and therefore, the second respondent was not in a position to take any decision on the Form-VII, that was filed by the petitioner seeking for approval. He further submitted that as per the instructions issued by the Inspector General of Registration, through circular dated 27.05.2023, whenever, any matter involves rival claims, the parties will have to seek for redressal only before the Civil Court and that the District Registrar should not enter into such a dispute and render a finding. The learned Additional Government Pleader submitted that the second respondent will deal with the records, that are available and will respond to the request made by the petitioner seeking for approval of Form-VII.



W.P.(MD)No.13291 of 2020

7.The learned Counsel for the impleaded third respondent submitted that even on an earlier occasion, same dispute was raised before the District Registrar, Trichy and the District Registrar, after hearing the rival claims, was pleased to direct the parties to approach the competent Civil Court through proceedings dated 17.03.2016. In view of the same, the impleaded third respondent had instituted a suit in O.S.No. 318 of 2019, which is pending before the Subordinate Court, Trichy. The learned Counsel further submitted that the issue has to be resolved only by the competent Civil Court and that the second respondent cannot enter into the dispute at this juncture.

8.In the considered view of this Court, it is not necessary for this Court to deal with the issues, that were raised on either side, considering the limited relief, that has been sought for in this Writ Petition. The petitioner has only sought for a direction to the second respondent to act upon the Form-VII, that has been submitted by the petitioner seeking for approval and the same is pending before the second respondent. The second respondent has to deal with the same in line with whatever documents, that are available before the second respondent in this regard



W.P.(MD)No.13291 of 2020

and must pass suitable orders within a time frame fixed by this Court.

Whoever is aggrieved by the order passed by the second respondent will have to work out their remedy in accordance with law. It will suffice, if such a direction is issued by this Court.

9.In the result, there shall be a direction to the second respondent to deal with the proposal that has been submitted by the petitioner for approval on 02.12.2019 based on the relevant records, that are available with the second respondent and a decision shall be taken on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It goes without saying that the second respondent will issue notice to all the interested parties before taking a final decision. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

20.11.2023

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W.P.(MD)No.13291 of 2020

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- 1.The Inspector General of Registration,
Santhom High Road, Mylapore, Chennai - 600004.
- 2.The District Registrar, Trichirappalli - 620001.



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W.P.(MD)No.13291 of 2020

N.ANAND VENKATESH, J.

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W.P.(MD)No.13291 of 2020

20.11.2023