



W.P(MD)No.18977 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18977 of 2020

and

W.M.P(MD)No.15896 of 2020

Tamil Nadu Village Administrative
Officers Association,
Theni District,
Represented by its Secretary,
T.Ramar,
333/2, Hindu Middle School Street,
Seelaiyampatti,
Theni District.

... Petitioner

Vs

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhom High Roads,
Chennai – 600 028.
- 2.The Registrar of Societies,
Office of the Registrar of Societies,
Alwarpet,
Chennai – 600 018.
- 3.The District Registrar (Registration),
Office of the District Registrar,
Royapettai,
Chennai – 600 018.



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4.The State President,
Tamil Nadu Village Administrative
Officers Association,
TNVAOA Illam,
26, Venkadasalam Street,
Triplicane,
Chennai – 600 005.

5.The State Secretary,
Tamil Nadu Village Administrative
Officers Association,
TNVAOA Illam,
26, Venkadasalam Street,
Triplicane,
Chennai – 600 005.

6.C.Santhana Krishnan,
Acting as State President,
Tamil Nadu Village Administrative
Officers Association,
408, West Street,
Keelur Ost,
Kurinjipadi Taluk,
Cadalore District.

7.K.Selvam,
Acting as State Secretary,
Tamil Nadu Village Administrative
Officers Association,
18, Karuppar Lakshmi Enclave, 3rd Veedhi,
Karaikudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to look into the to look into the affairs of the 4th and 5th respondent association namely Tamil Nadu Village Administrative Officers Association, Registration No288/2007, registered with the second respondent and to conduct election for



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the post of office bearers of the said Association in Democratic manner in their presence or by appointing independent observers within a time frame stipulated by this Court.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.N.Satheeskumar
Additional Government Pleader
for R.1 to R.3

Mr.R.M.Makesh Kumaravel for R.4

Mr.P.R.Prithiviraj for R.5 to R.7

ORDER

Heard the learned counsel on either side.

2.The writ prayer is in two parts. The second part of the prayer is for calling upon the authorities to in turn direct the Tamil Nadu Village Administrative Officers Association to conduct election in a democratic manner. It is well settled that under Section 36 of the Tamil Nadu Societies Registration Act, 1975 such a direction cannot be issued by the District Registrar. Therefore, this prayer is squarely not maintainable. The first part of the prayer is again very vague. In any event, at the instance of one member, this Court will not be justified in issuing any direction.



3. Section 36 of the Tamil Nadu Societies Registration Act, 1975 reads as

follows:

36. Power of Registrar to inquire into the affairs of registered society - (1) *The Registrar may, of his own motion or on the application of a majority of the members of the committee of a registered society or on the application of not less than one-third of the members of that registered society, or, if so moved by the District Collector, hold, or direct some person authorized by the Registrar by order in writing in this behalf to hold, an inquiry, into the constitution, working and financial condition of that registered society.*

(2) *An application to the Registrar under sub-section (1) shall be supported by such evidence as the Registrar may require for the purpose of showing that the applicants have good reason for applying for an inquiry.*

(3) *The Registrar may require the applicants under sub-section (1) to furnish such security as he thinks fit for the costs of the proposed inquiry, before the inquiry is held.*

(4) *All expenses of, and incidental or preliminary to, the inquiry shall, where such inquiry is held—*

(a) on application, be defrayed by the applicants therefor or out of the assets of the registered society or by the members or officers of the registered society, in such proportions as the Registrar may, by order in writing, direct ; and



(b) on the District Collector's or Registrar's motion, be defrayed out of the assets of the registered society, and shall be recoverable as an arrear of land revenue.

(5) An order made under sub-section (4) shall, on application, be enforced by any civil court having local jurisdiction in the same manner as a decree of such court.

(6) A person holding an inquiry under this section shall at all reasonable times have free access to all the books, accounts and documents of the registered society, and shall have power to call upon the registered society and the officers of the registered society to produce such books, accounts and documents and furnish such statements and other information in relation to its business as he may direct.

(7) It shall be the duty of all persons who are or have been officers of the registered society to furnish the inquiring officer with all the books, accounts and documents in their custody or power relating to the registered society.

(8) A person holding an inquiry under this section may summon any person who, he has reason to believe, has knowledge of any of the affairs of the registered society and may examine such person on oath and may summon any person to produce any books, accounts or documents belonging to him or in his custody if the person holding the inquiry has reason to believe that such books, accounts or documents contain any entries relating to transactions of the registered society.

(9) The result of the inquiry shall be communicated to the registered society and to the applicants, if any, and if the Registrar is



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satisfied that the result of the inquiry does not warrant action under Section 37, he may issue such direction to the registered society, or any member of the registered society, as the Registrar may deem fit.”

Section 36 of the Tamil Nadu Societies Registration Act, 1975 can be invoked on the application of the majority of the members of the committee of a registered Society or on the application not less than 1/3rd members of the registered Society. Of course, the Registrar can take *suo motu* action. The jurisdictional District Collector can also call upon the District Registrar to intervene under the aforesaid provision. But before me there is only one individual, namely, the Secretary of Theni District of the Association. At the instance of a solitary member or officer bearer, such direction cannot be issued. If the petitioner wants to take advantage of the fact that the Association has been recognized vide G.O(Ms)No.267 Personnal and Administrative Reforms Department dated 19.07.1993, then, the remedy is before the Government. The Government is not a party before me. Looked at from any angle, it is not possible for this Court to grant relief. I make it clear that the writ petition is dismissed only because the petitioner has not made out a case under Section 36 of the Tamil Nadu Societies Registration Act, 1975. I make it clear that I have not gone into the merits of the matter. It is open to the



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petitioner to file a fresh writ petition on the same cause of action by invoking the aforesaid Government Order whereby the Association has been recognized.

4. With this liberty and observation, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

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G.R.SWAMINATHAN, J.

MGA

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