



W.P(MD)No.20461 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20461 of 2016 and
WMP(MD) Nos.14668 & 14669 of 2016

Sivakasi Hindu Poorviga Agamudayar Arakattalai,
97A, Thiruthangal Road,
Near Thevar Statue,
Sivakasi – 626 123,
Virudhunagar District.
Represented by its President

... Petitioner

Vs

1.The District Registrar (Societies),
Virudhunagar District,
Virudhunagar.

2.The District Education Officer,
Virudhunagar District,
Virudhunagar.

3.N.S.A.Amuthan
4.V.Gopalsamy

...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 order dated



W.P(MD)No.20461 of 2016

30.09.2016 in No.4085/E1/2016 on the file of the District Registrar (Societies), Virudhunagar District, Virudhunagar, the first respondent herein and quash the same and consequently direct the first respondent to furnish Form VII, submitted by the petitioner for the change of members of the Committee in the election held on 21.02.2016 of Sivakasi Hindu Poorviga Agamudayar Arakattalai.

For Petitioner	: Mr.A.V.Arun
For R1 & R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3 & R4	: Mr.J.Jeyakumaran

ORDER

The petitioner in the capacity of the President of Sivakasi Hindu Poorviga Agamudayar Arakattalai has filed this writ petition that Form VII submitted by the Society has been withheld by the District Registrar, Virudhunagar District without any valid reasons. The District Registrar and one of the members of the Society have raised their objections that a civil suit in O.S.No.12 of 2016 on the file of the District Court, Srivilliputhur and a writ petition in W.P(MD) No.3199 of 2016 are pending with regard to the affairs of the Society. They also claim that annual reports of the



W.P(MD)No.20461 of 2016

WEB COPY

Society for the years from 2009-2010 to 2014-2015 were not submitted as required under the Act and Rules.

2.A detailed counter affidavit has been filed by the District Registrar, Virudhunagar District in the year 2017, which reads as under:

- i. The annual reports of the Society from the year 2009-2010 to 2014-2015 were not submitted by the petitioner as required under Section 16(3)b) of the Tamil Nadu Societies Registration Act and Rule 22 of the Tamil Nadu Societies Registration Rules, 1978. The District Registrar is having the power to condone the delay of filing the audit report as per G.O.M.S76/CT & RE (MD), dated 25.06.2013, however, it was restricted only upto three years.
- ii. As per Section 50(2) of the Tamil Nadu Societies Registration Rules, in order to accept Form VII, audit report of the previous years must be filed before the District



WEB COPY



W.P(MD)No.20461 of 2016

Registrar. Here, in the present case, no audit report was submitted after the year 2008-2009.

- iii. One Amuthan, a member of the Society/the third respondent herein has filed a civil suit in O.S.No.12 of 2016, for the relief of declaration before the Principal District Judge, Srivilliputhur, seeking declaration to declare the General body meeting and the election conducted on 21.02.2016 as null and void and the same is pending.
- iv. One Gopalsamy, the erstwhile President/the fourth respondent has filed a writ petition in W.P No.3199 of 2016 before this Court, seeking direction to appoint an Advocate Commissioner to conduct election in the Society.
- v. A Circular in 7/11, RE.No.34579/II/2011, dated 27.07.2011 has been issued by the Inspector General of Registration to all the District Registrars, wherein certain directions have been issued not to accept the Form VII, when Form VI, Form VII and other annual returns are presented as required under Section 16(3)(b) of the Act. Therefore, there is no



WEB COPY



W.P(MD)No.20461 of 2016

need to interfere with the order impugned in this writ petition.

3.The third respondent, who is one of the members of the petitioner Society has also filed a counter affidavit, which is as under:-

- i. One T.S.Kaliappan was elected as a President of the Society in the year 2009 and after his demise, the writ petitioner himself declared as President of the Society and filed Form VII before the District Registrar.
- ii. Annual reports of the Society have not been submitted for the years from 2009-2010 to 2014-2015 as required under Section 26 of the Tamil Nadu Registration Act, 1975 within the stipulated time.
- iii.The General Body Meeting was not conducted in the Society.
- iv. The Inspector of Registration has issued a circular No.7/11, RE No.34579/11/2011, dated 27.07.2011, in and by which,



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W.P(MD)No.20461 of 2016

it was clarified that when cases are pending with regard to the Society, Form VII shall be kept pending till its disposal.

- v. A case in Crime No.517 of 2015, dated 08.10.2015 has been registered as against the writ petitioner, P.K.Balasubramaniam and the same is pending that he has misappropriated the Society funds. The petitioner has suppressed all the materials facts and submitted this writ petition. Therefore, this writ petition is liable to be set aside.

4.This Court considered the case of the petitioner and the counter affidavits filed by the first and third respondents.

5.For the election conducted in the year 2016, Form VII was filed and the same was not accepted by the District Registrar, Virudhunagar, in view of the suit, which was pending between the parties in O.S.No.12 of 2016 before the District Court, Srivilliputhur. Apart from this, it appears that the fourth respondent



W.P(MD)No.20461 of 2016

WEB COPY

has filed a writ petition in W.P(MD) No.3199 of 2016 and the same is pending. Since this issue is pertaining to Form VII, which was filed in the year 2016 and the civil suit is pending, the petitioner has to work out his remedy in the Civil suit.

6.In view of the above, this writ petition is dismissed.

No costs. Consequently, connected Miscellaneous petitions are closed.

13.12.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The District Registrar (Societies),
Virudhunagar District,
Virudhunagar.

2.The District Education Officer,
Virudhunagar District,
Virudhunagar.



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W.P(MD)No.20461 of 2016

B.PUGALENDHI, J.

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