



W.P(MD)No.29253 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29253 of 2023

and

W.M.P.(MD)No.25284 of 2023

Madurai Bench of Madras High Court,
Bar Association (MMBA)
Rep. by its General Secretary,
(S.No.109/04),
Lawyers Chambers
Hon'ble Madurai Bench of Madras
High Court Campus, Madurai-625 023.

... Petitioner

Vs.

1.The Inspector General of Registration,
(Registration and Societies)
Santhome Church Road,
Chennai.

2.The District Registrar,
(Administration)
Madurai North
Othakadai, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent District Registrar in Na.Ka.No. 4118/E1/2023 dated 17.08.2023, quash the same and further direct the 2nd respondent District Registrar to register forthwith the Form VI and Form VII for the financial years 2019-2020, 2020-2021, 2021-2022 and 2022-2023 submitted by the petitioner Society.



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For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.C.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner is a society registered under the provisions of the Tamil Nadu Societies Registration Act, 1975. The petitioner is espousing the cause of the lawyers practicing in the Madurai Bench of the Madras High Court. The General Body Meeting was convened on 13.07.2022 and election was held on 14.07.2022. A set of office bearers was elected. Form-VII was filed on 01.08.2022. The General Body Meeting was again convened on 11.07.2023 and 12.07.2023. Form-7 was filed on 31.07.2023. On 17.08.2023, both the Forms were returned. The second respondent declined to file the documents submitted by the petitioner on the ground that the petitioner failed to submit the returns and also did not conduct the General Body meeting during the preceding two years. The second respondent called upon the petitioner to move the Government and obtain condonation and only thereafter, it would be possible to file the Forms submitted by the petitioner. Challenging this stand of the second respondent, the present writ petition came to be filed.



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3. In normal circumstances, I would have sustained the stand taken by the second respondent. But then, the second respondent has not taken note of the elementary fact that during the previous two years, the nation was struck by pandemic. I take judicial notice of the fact that the petitioner association was not permitted to use the campus from 23.03.2020 upto 07.03.2022. In these circumstances, the question of conducting General Body meeting did not arise at all. Therefore, taking into account the special facts and circumstances which this Court can take judicial notice, the impugned communication is set aside. The petitioner is permitted to re-submit the returned document and Forms (Form-VII) for the intervening years (from 2019 -2020 upto 2023-2024). I place on record the submission of the petitioner's counsel that there has been no change in the membership of the petitioner association during the Covid period. It is not in dispute that there is no rival claim. Upon such re-submission, the second respondent shall file all the documents and take them on record.

4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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To

- 1.The Inspector General of Registration,
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