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W.P.No.7702 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7702 of 2022 and
WMP.No.7709 of 2022

J.Selvadasan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028
- 2.The District Registrar(Societies),
Collector Office Campus,
Coimbatore 641 018
- 3.Young Men's Christian Association (Regd No.48/1973),
Represented by its General Secretary,
No.55-70, Head Post Office Road,
Coimbatore 641 001
- 4.The National Council of YMCAs of India,
Rep. By its National General Secretary,
Bharat Yuvak Bhavan,
Jai Singh Road,
New Delhi 110 001

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to the impugned order passed by the second respondent herein in



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his proceedings Na.Ka.No.4134/Aa2/2021 dated 21.02.2022 and quash the same and consequently direct the second respondent herein to conduct the election for five Board Members of the third respondent Association either by himself or by appointing a returning officer after finalizing the members list as per law, within a time frame as deem fit and proper by this Court.

For Petitioner : M/s.G.Bala and Daisy

For Respondents

For R1 & 2 : Mr.P.Anandakumar,
Government Advocate

For R3 : Mr.S.Sabarish
for M/s.S.Kingston Jerold

O R D E R

This writ petition has been filed challenging the order passed by the second respondent dated 21.02.2022 thereby rejected the request made by the petitioner seeking fresh election.

2. The petitioner has become an Associate Member of the third respondent Association on 29.07.2014. The petitioner along with other members are not eligible to vote in any of the meeting including Annual



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General Body Meeting. Only full members of the Association have the right to vote under Section 6 of the Rules and Regulations of the Association. They would be conferred with Associate Membership under Section 2 of the Rules and Regulations of the third respondent Association. Thereafter, the Associate Members who had completed 90 days of membership would become eligible for full membership. The full membership alone is entitled to vote and to be elected either to the Executive Body or as a Board of Director on completion of 90 days of full membership.

3. While being so, the petitioner submitted representation seeking necessary action under Article I, Membership Rule 3 of YMCA Rules to conduct the Induction Ceremony for full membership status to all eligible Associate Members so as to enable the petitioner to participate in the activities of the Association. However, without considering the same, the third respondent Association conducted election and elected Board of Directors. Therefore, the petitioner submitted representation to the second respondent to cancel the election conducted by the third respondent and to conduct fresh election.



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4. On perusal of the impugned order, clearly revealed that without declaring the election as null and void, the second respondent has no power to direct the third respondent to hold fresh election as per sub section 9 of Section 36 of Societies Registration Act. Further, the second respondent has no power to declare the election conducted by the third respondent as null and void. Therefore, the petitioner ought to have approached the competent civil court for appropriate relief. The same issue has already been dealt with by the Hon'ble Division Bench of the Madurai Bench of this Court in WA(MD).No.715 of 2009 dated 11.02.2010 wherein, direction was given to approach appropriate civil court for declaration declaring that the election is null and void. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.



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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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