



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

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CORAM:

THE HON'BLE DR.JUSTICE ANITA SUMANTH

WP.Nos.15669, 20407, 20402, 20404 & 20399 of 2024
and

W.M.P.Nos.17123, 22336, 22330, 22332, 22334, 17122 and 17069 of 2024

Muniyandi

... Petitioner in WP.Nos.15669 and 20399 of 2024

P.Muthuselvan

... Petitioner in WP No.20407 of 2024

S.Dinesh

... Petitioner in W.P.No.20404 of 2024

A.Rajavel

... Petitioner in W.P.No.20402 of 2024

Vs.

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Delhi Government of National Capital Territory of Delhi,
No.5, Sham Nath Marg, Prema Kunj,
Civil Lines, Delhi 110 054.

2.The Registrar of Societies,
J6, G7 + 5CJ, Sansad Marg,
Old Court Building, Janpath,
New Delhi – 110 001.

3.The Institution of Valuers,
Rep. By its Registrar,
Valuers Bhawan, Plot.No.3,



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Parwana Road, Adjacent to Bal Bharti Public School,
Pitampura, Delhi – 110 034.

4.The Board of Scrutineers,
Rep. By its Convenor,
Valuers Bhawan, Plot.No.3,
Parwana Road, Adjacent to Bal Bharti Public School,
Pitampura, Delhi – 110 034.

5.The Institution of Valuers,
Chennai Branch,
Rep. By its Chairman,
No.4/180, TNHB Commercial Complex,
Luz Church Road, Mylapore,
Chennai – 600 004.

... Respondents
in all writ petitions

Prayer in WP.No.15669 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to Bye-Laws No.8, 10 and 66 enacted by third and fifth respondents and to quash the same and to direct the third and fifth respondents to amend the bye-laws suitably in such a way allowing all the life member of IOV to contest the Election to any post “The Council of Institution of Valuers” and also to conduct election by ballot box at every branch office.

Prayer in WP.No.20407 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the fourth respondent to include the petitioner's name in Name of Contestant for the post of As Members of Council (Eleven Posts) published in its official web and may pass such or other orders as this Court deem fit and proper under the circumstances of the case and thus render justice.



WP.No.15669 of 2024

Prayer in WP.No.20404 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the fourth respondent to include the petitioner's name in Name of Contestant for the post of As Members of Council (Eleven Posts) published in its official web and may pass such or other orders as this Court deem fit and proper under the circumstances of the case and thus render justice.

Prayer in WP.No.20407 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the fourth respondent to include the petitioner's name in Name of Contestant for the post of As Members of Council (Eleven Posts) published in its official web and may pass such or other orders as this Court deem fit and proper under the circumstances of the case and thus render justice.

Prayer in WP.No.20399 of 2024: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the fourth respondent to include the petitioner's name in Name of Contestant for the post of As Honorary General Secretary (NCR Delhi) – (One Posts)' published in its official web and may pass such or other orders as this Court deem fit and proper under the circumstances of the case and thus render justice.

For Petitioner: Mr.Abudu Kumar Rajarathinam, Senior Counsel
for Mr.J.Ramesh
(in WP No.15669, 20407, 20404 & 20402/2024)

Mr.V.Prakash, Senior Counsel
for Mr.J.Ramesh
(in W.P.No.20399/2024)

For Respondents: Mr.K.C.Mittal (for R3, R4)
Mr.T.Mohan, Senior Counsel



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for Mr.P.Ravikumar (for R5)
No appearance for R1 & R2

(in all writ petitions)

COMMON ORDER

The following order is passed after hearing the detailed submissions of Mr.V.Prakash, learned Senior Counsel appearing for Mr.J.Ramesh, learned counsel in W.P.No.20399 of 2024, Mr.Abudu Kumar Rajarathinam, learned Senior Counsel appearing for Mr.J.Ramesh, learned counsel in WP Nos.15669, 20407, 20404 and 20402 of 2024, Mr.K.C.Mittal, learned counsel for R3 and R4 and Mr.T.Mohan, learned Senior Counsel for Mr.P.Ravikumar, learned counsel for R5 in all the writ petitions. Though R1 and R2 being served and description printed in the cause-list, there is no appearance.

2. The prayer in W.P.No.15669 of 2024 is for a writ of certiorarified mandamus calling for the records pertaining to bye-law Nos.8, 10 and 66, enacted by the 3rd and 5th respondents, quash of the same and a direction to the 3rd and 5th respondents to amend the bye-laws suitably in such a way so as to allow all life members of R3 to contest in the election to any post of 'The Council of the Institution of Valuers' and to conduct elections by ballot box at every branch office.

3. The prayers in W.P.Nos.20399, 20407, 20404 and 20402 of 2024 are for a mandamus directing R4 to include the petitioners' name in the list of contestants for the post of Honorary General Secretary (National Capital Region (NCR) Delhi) and



Members of Council (Eleven Posts) respectively.

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4. R3 is incorporated in the year 1968 under the Societies Registration Act XXI of 1860 and the petitioners have been admitted as members in 2003. Admittedly, bye-laws Nos.8, 10 and 66 are part of the original bye-laws and have not been amended or modified in any way till date.

5. The specific grievance expressed by the petitioners is that the offending bye-laws place a restriction upon persons who can contest to the posts of Vice-Presidents, Honorary General Secretary, Honorary Treasurer and two posts of Council members, in so far as, it stipulates that those members may be drawn only from the geographical regions of NCR. The petitioners argue that such a stipulation violates their fundamental rights and is discriminatory.

6. A perusal of the bye-laws reveals that there is an in-built mechanism for amendment and bye-law No.53 reads as follows:-

“53. Amendments of Bye-Laws:- The Bye-laws may from time to time be amended or revoked and new Bye-laws may from time to time be made by approval of the majority of members present in an Extra-Ordinary General Meeting called for this purpose. The proposed new/amended Bye-laws shall be prepared by the Council before being placed before the corporate members present in the Extra-ordinary General Meeting.”

Bye-law No.38 deals with the convening of an Extraordinary General Meeting (EGM) and is extracted below:-

“38. Extraordinary General Meeting:- The Council may,



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whenever they think fit, convene an Extraordinary General Meetings and such meeting shall also be convened on such requisition or in default may be convened by such requisitionists as provided by the Statutes for the time being in force.”

7. Hence, there is a self-contained mechanism in the bye-laws that provides for amendment of the same. The procedure for such amendment may be initiated by any member who believes that such amendment is necessary, by filing a requisition for convening an EGM. The procedure set out in bye-law No.38 also contemplates a situation where, if the Council delays the convening of an EGM, the requisitionists may themselves convene the EGM as provided under the Statutes for the time being in force.

8. In light of the aforesaid, and since the Court has expressed its disinclination to either quash the offending bye-laws or issue mandamus as sought for, which cannot be issued in light of the existing bye-laws, the writ petitioners do not pursue these writ petitions any further and make an endorsement for withdrawal of the same.

9. The petitioner in W.P.Nos.15669 and 20399 of 2024 has made a representation on 04.06.2024 before the present representatives reiterating the prayers made in these writ petitions. Let this representation be treated by R3 as a Notice to EGM as provided for under clause 38 of the bye-laws. The EGM shall be convened within six (6) weeks from today and matters be taken forward in accordance with law, and the bye-laws of the Society. In light of the aforesaid



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order, the petitioners' names are not liable to be included and the directions given in paragraph 3 of interim order dated 22.07.2024, stand vacated.

10. Needless to say, if the results of the proposed EGM enure to the benefit of the petitioner, the Council will take a considered view as to whether the amendments would be prospective or would apply for the on-going elections as well.

11. These writ petitions are closed as withdrawn, though in the above terms.

No costs. Connected Miscellaneous Petitions are closed.

29.07.2024

Index:Yes/No

Speaking order

Neutral citation : Yes

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To

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Delhi Government of National Capital Territory of Delhi,
No.5, Sham Nath Marg, Prema Kunj,
Civil Lines, Delhi 110 054.

2.The Registrar of Societies,
J6, G7 + 5CJ, Sansad Marg,
Old Court Building, Janpath,
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WP.No.15669 of 2024

DR.ANITA SUMANTH,J.

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3.The Institution of Valuers,
Rep. By its Registrar,
Valuers Bhawan, Plot.No.3,
Parwana Road, Adjacent to Bal Bharti Public School,
Pitampura, Delhi – 110 034.

4.The Board of Scrutineers,
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Parwana Road, Adjacent to Bal Bharti Public School,
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5.The Institution of Valuers,
Chennai Branch,
Rep. By its Chairman,
No.4/180, TNHB Commercial Complex,
Luz Church Road, Mylapore,
Chennai – 600 004.

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