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W.A.No.3142 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.07.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.A.No.3142 of 2021**

**and**

**C.M.P.No.21753 of 2021**

Kumara Rajah Muthiah School of  
Traditional Arts and Crafts,  
Represented by its Secretary  
Mrs.Meena Muthiah  
“Chettinad House”,  
Rajah Annamalaipuram,  
Chennai – 600 028.

... Appellant

Vs.

1.Secretary to the Government,  
Commercial Tax and Registration Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai – 600 009.

2.The District Registrar (Admin)  
(A.I.G. Cadre),  
Office of the Registrar of Societies,  
Chennai – Central,  
Bharathi Salai, Royapettah, Chennai – 600 014.



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3.Mrs.Geetha Muthiah  
4.Mr.V.Chandramoleeswaran  
5.Mr.S.Hariharan  
6.Mrs.V.Valliammai  
7.Mr.TR.Meyyappan  
8.Mr.M.A.M.R.Muthiah  
9.Mr.V.Palaniappan

... Respondents

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal and set aside the order of the Learned Single Judge made in W.P.No.19742 of 2019 dated 28.10.2021.

|                 |                                                                   |
|-----------------|-------------------------------------------------------------------|
| For Appellant   | : Mr.AR.L.Sundaresan<br>Senior Counsel<br>For Mr.K.R.Ramesh Kumar |
| For R1 & R2     | : Mr.B.Vijay<br>Additional Government Pleader                     |
| For R3 & R8     | : Mr.R.Bharanidharan                                              |
| For R5, R6 & R7 | : Mr.M.S.Krishnan<br>Senior Counsel<br>For Mr.Anirudh Krishnan    |
| For R4          | : Mr.V.Raghavachari<br>Senior Counsel<br>For M.Praveen Kumar      |
| For R9          | : Mr.T.Balaji                                                     |



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## **J U D G M E N T**

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[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ petitioner is the appellant before us.

2. The writ petition was instituted challenging the proceedings of the District Registrar (Administration), Chennai-Central dated 02.07.2019. Certain complaints against the constitution and functioning of the appellant Society had been raised by the members and a complaint had been lodged before the District Registrar under the Tamil Nadu Societies Registration Act, 1975. Several complaints are raised,. The Registrar adjudicated the issues. The relief sought for in the complaints are as under;

*“A) Hold an enquiry on the financial irregularity committed by the erstwhile secretary Smt.Kumararani.*

*B) Exclude those persons names, whose names are not found in Form VI & VII as available with Registrar of Societies before the year 2012.*

*C) Smt.Kumararani Meena Muthiah or related person to hand over the records to*



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*V.Palaniappan (Present Secretary of Society)*

*D) To allow and permit only those persons whose names are reflected in Form No.VI as was existing in the year 2012.*

*E) To pass such further orders and render justice.”*

3. However, the Registrar restricted the issues into three and taken up those three issues for adjudication. They are mismanagement and financial irregularity in the society; induction of new members in violation of the bylaws; removal of private members from the membership of the society. On these three issues adjudicated, the Registrar granted relief in respect of one issue relating to removal of private respondents from membership. With reference to other two issues, the Registrar relegated the parties to approach the Competent Civil Court of Law.

4. It is brought to the notice of this Court that regarding addition of members, a Civil Suit has been instituted in C.S.No.54 of 2024. The suit was filed seeking the relief to declare the addition of members is null and void and other consequential reliefs.



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5. *Prima facie*, this Court found that the allegations raised between the parties are interlinked, relating to the constitution and affairs of the appellant / Society. Deciding a single issue in the present writ appeal may cause repercussions in deciding the other issues in the Civil Suit. Contrarily, the parties may be relegated to resolve all the issues through Civil Court in the pending suit or by instituting fresh Suit or by way of counter claim, as the case may be.

6. Since we have relegated the parties to resolve the issues in entirety before the Civil Court of Law, it is made clear that the Civil Court has to decide the issues uninfluenced by the findings made by the District Registrar and the Writ Court.

7. By segregating the issues and relegating the parties to approach the Civil Court, only in respect of two issues, may cause prejudice for taking decision in respect the other issues relating to addition of members. Therefore, all the issues are to be decided in a comprehensive manner through effective adjudication in the Civil Suit.



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8. Further, it is brought to the notice of this Court that the Additional members and the members removed were incorporated in Form VI by the District Registrar. However, the said inclusion is disputed by the appellant / Society.

9. Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the respondents would submit that both the appellant and the contesting respondents have submitted Form VII and none of their claims are admitted by the District Registrar in view of the lis pendens. That being so, the issues are to be adjudicated before the Civil Court.

10. Since District Registrar, Writ Court and this Court relegated the parties to approach the Civil Court in the event of filing a Suit or counter claim or otherwise, the period during which the proceedings are pending is to be taken into consideration of condoning the delay, if any and the issues are to be decided on merits and in accordance with law. The period during which the disputes are pending before the District Registrar writ Court and Writ Appellate Court are also excluded.



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**WEB COPY** 11. In fine, the Writ Appeal stands dismissed. Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

[S.M.S., J.] [C.K., J.]  
19.07.2024

Jeni  
Index : Yes  
Speaking order  
Neutral Citation : Yes

To

1. The Secretary to the Government,  
Commercial Tax and Registration Department,  
Government of Tamil Nadu,  
Secretariat, Fort St. George,  
Chennai – 600 009.
2. The District Registrar (Admin)  
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**S.M.SUBRAMANIAM, J.**  
**and**  
**C.KUMARAPPAN, J.**

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