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W.P.No.38294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38294 of 2024 and
W.M.P.No.41452 of 2024

A.S.Mani

... Petitioner

vs.

1. The Inspector General of Registration
Santhome, Chennai-28

2. The District Registrar, Central Chennai
No.268, Bharathi Salai, Express Estate
Royapettah, Chennai-14

3. The Election Officer
O/o. Chennai Press Club
Govt. Estate, Anna Salai, Chennai-2

4. The Convenor
CPC Special Guidance Committee of Chennai Press Club
Govt. Estate, Anna Salai, Chennai-2

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation dated 05.12.2024 and pass appropriate orders to re- organize Chennai press Club members voters list and publish fresh voters list which will enable for rescheduling the date of elections i.e. 15.12.2024 for fair and transparent elections to uphold the democratic



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functioning of the 4th respondent i.e Chennai Press club within stipulated time period as may be fixed by this court.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.P.S.Raman for R1 and R2
Advocate General
Assisted by
Mr.B.Vijay
Additional Government Pleader

Mr.P.Wilson, for R4
Senior Counsel
for Mr.Richardson Wilson

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The writ petition is filed seeking a direction to respondents 1 to 3 to consider the representation of the petitioner dated 05.12.2024 and pass appropriate orders for re-organisation of Chennai Press Club voters list and for publication of fresh voters list.

3. It is the case of the petitioner that he is a member of Chennai Press Club under Membership No.0078. The election notification for election of office bearers of Chennai Press Club was published on 29.11.2024. When



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the petitioner checked the voter's list, he found that names of number of members were missing. Therefore, the petitioner submitted a representation before the respondents 1 to 3 requesting them to re-schedule the election slated to be held on 15.12.2024 and publish proper voters list. The said representation has not been considered by the respondents 1 and 2. Therefore, the petitioner has come before this Court.

4.The Full Bench of this Court in the case of **C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee, Karisal through its Secretary, Sri S.David Stephen, Karisal, Ambasamudram Taluk, Tirunelveli District and others Vs. The District Registrar Cheranmahadevi, Tirunelveli District and others (W.A.Nos.2969/2001, 331/2002 and 217/2004, dated 24.03.2005), reported in 2005(2) CTC 161** while considering the power of the respondents 1 and 2 observed as follows :-

20. As the power of the Registrar to hold enquiry is only to arrive at a prima facie conclusion as to the correctness of the particulars given in Form VII, the provision of sub-section(9) of Section 36 should also be understood to mean that he could issue such directions to the registered



*society or any of the member of the society only with reference to the details furnished in Form VII. It must also be borne in mind that the enquiry under Section 36 is not only limited to the regular affairs of the society and such affairs not only include the constitution of a registered society but also to the working and financial condition, and hence, the power of the Registrar to issue such direction under sub-section (9) of Section 36 of the Act, in regard to the constitution of the registered society must be understood in the context of Form VII. Section 14 obligates the registered society to maintain a register containing the names, addresses and occupations of its members. Section 15 further mandates such registered society shall filed with the Registrar a copy of the register maintained by it under Section 14 and from time to time file with the Registrar notice of any change among the members of the committee. In the absence of failure to comply with Section 14, the Registrar could only resort to the power under Section 37 to cancel the registration. **Hence, the power under sub section (9) of Section 36 cannot be stretched to a power on the Registrar to direct the registered society to hold fresh election. A***



direction to hold fresh election would amount to indirectly setting aside the earlier election and such power is not conferred on the Registrar under any of the provisions of the Act. So long as the election is not declared invalid in the manner known to law, no direction for fresh election could be ordered. Validity of the election could very well be decided only by the competent Civil Court as the parties are entitled to let in their evidence to sustain their respective claims. In the event the Registrar satisfies himself as to the particulars furnished in Form VII as correct, he should enter the names in the register maintained for that purpose. In the event if he does not satisfy as to the particulars and thereby does not accept Form VII, he has to issue a direction relegating the parties to approach the Civil Court for appropriate orders and thereafter shall act as per the orders of the Civil Court. Accordingly, the issue is answered. Post the Writ Appeals for disposal accordingly.

5. A close reading of the above provision would make it clear that respondents 1 and 2 has no power to adjudicate on the validity of the elections. After elections, Form-7 is to be filed before the 2nd respondent, he



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can conduct a summary enquiry to satisfy himself with regard to the correctness of the details found in Form-7. However, the authorities constituted under Societies Registration Act are not entitled to adjudicate on the validity or otherwise of the elections. When they have no power to adjudicate on the validity of the elections, they are not entitled to go into the preparation of voters list and interfere with the election process for electing office bearers of the societies. The election of office bearers of the association is an internal affairs of the society and respondents 1 and 2 are not entitled to interfere with the same. In these circumstances, this Court is not inclined to issue any positive direction to respondents 1 to 3 to consider the representation submitted by the petitioner.

6. The averments in the affidavit make it clear that election notification has already been published and the election is slated to be held on 15.12.2024.

7. In these circumstances, this Court is not inclined to interfere with the said process at this stage. If the petitioner is aggrieved by the results, it is always open to him to challenge it before the Civil Court. When Form-7 is submitted before the 2nd respondent, it is open to the petitioner to make his objection.



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WEB COPY 8. With these observations, the Writ Petition stands dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

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