



W.P.(MD).No.3108 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED : 16.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3108 of 2024
and W.M.P(MD) 3079 of 2024

Dr.Zakir Hussain College Society,
Rep. By its Secretary,
V.M.Jabarrullakhan.

... Petitioner

Vs

The District Registrar (Administration),
Sivagangai District,
Sivagangai 630 561.

... Respondent

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 in pursuant to the impugned order passed by the respondent in vide proceedings in Se.Mu.No.125/A2/2024, dated 23.01.2024 and quash the same as illegal and consequently directing the respondent to register forthwith the Form-VII submitted by the petitioner's Society, dated 29.08.2023.

For Petitioner : Mr.Issac Mohamed
Senior Counsel
Assisted by Mr.V.Muthu Kamatchi

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

The present writ petition has been filed challenging the impugned order passed by the respondent in vide proceedings in Se.Mu.No.125/A2/2024, dated 23.01.2024 and consequently directing the respondent to register forthwith the Form-VII submitted by the petitioner's Society, dated 29.08.2023.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent. Perused the materials on record.

4.(i).The petitioner is the Secretary of the petitioner College Society registered under the provisions of Tamil Nadu Societies Registration Act, 1975 vide registration Doc.No.8/1983, dated 28.04.1983. From the records, it is found that the tenure of the office bearers for the year 2011 to 2014 came to an end, following which, an election was conducted for the



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period 2014 - 2017. After the election of office bearers, Form-VII was submitted before the respondent. The respondent refused to register the Form-VII citing the pendency of certain writ proceedings, where there was no interim or final orders preventing the respondent from registering Form-VII. So, the Director of Collegiate Education, Chennai vide proceedings, dated 30.10.2014 though refused to approve the Managing Committee for want of registration of Form-VII, permitted the elected office bearers to function for a period of six months only from 11.08.2014 to 10.01.2015.

(ii).In the meanwhile, a writ petition in W.P(MD) No.17512 of 2014 was filed by the College, challenging the decision of the respondent for not registering Form-VII. This Court vide Order, dated 29.09.2014 quashed the said order directing the respondent to take on file Form-VII, dated 23.06.2014 filed by the petitioner's Society. Following the said order, the respondent registered Form-VII submitted by the petitioner for the period 2014 to 17 and the Director of Collegiate Education, Chennai approved the petitioner's Managing Committee to function from 11.08.2014 to 10.08.2017 vide proceedings, dated 12.01.2015.

(iii).After the said tenure from 2014 to 2017 election for the new office bearers for Managing Committee was held. However, the Director of



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Collegiate Education refused to approve the unanimous election. Challenging the said proceedings W.P(MD) No.20252 of 2017 came to be filed by the College, in which, interim order of stay was granted on 02.11.2017, following which, the petitioner continued as Secretary of the petitioner's Society and successfully completed the tenure from 2017 to 2020. In the meanwhile, the same was also approved by the Director of Collegiate Education, Chennai by order, dated 31.05.2018.

(iv).Two more writ petitions in W.P(MD) Nos.19569 of 2019 and 11726 of 2020 came to be filed and pursuant to the order passed by this Court in the aforesaid writ petitions, the petitioner convened a meeting on 17.11.2020 and passed a resolution to conduct election as directed by this Court, thereby, appointing Advocate Mr P.Thiyagarajan as the Election Officer and Mr.M.Saravana Kumar as Deputy Election Officer, which was duly communicated to them on 30.11.2020. Thereupon, election notification was given by the Election Officer in Tamil newspaper on 06.12.2020 by furnishing the details of date of nomination, last date for nomination and withdrawal of nomination, finalisation of list of candidates date of election and declaration of result.



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(v).The election officer duly sent a letter to the respondent seeking permission to conduct election to the petitioner's Society as directed by this Court. Pursuant to the same, the respondent deputed one of the representative one Mr.C.Murugesan, Sub-Registrar, Paramakudi as election officer vide communication, dated 21.12.2020 and further directed the petitioner to send a detailed report after the election was over. The election was properly conducted in the presence of Observer and election officer on 27.12.2020 and the results were declared on the same day.

(vi).Following which, the petitioner convened a meeting of Managing Committee on 28.12.2020 and on the basis of resolution passed, Managing Committee was constituted. Thereafter, the petitioner vide communication, dated 28.12.2020 had sent Form-VII to the respondent containing details of the newly elected office bearers from 2000-2023 signed by the Secretary along with process fee and registration of Form-VII on 30.12.2020. The same was duly received in the office of the respondent under the seal of the respondent. However, receiving Form-VII and charges for processing and registration, the respondent did not make registration of the said Form-VII for newly elected office bearers and the constitution of Managing



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Committee for the year 2000-2023 as per the order of this Court, dated 01.10.2020 made in W.P(MD) No.11726 of 2020.

(vii).Despite passage of time, the respondent had not issued any proceedings for not registering the Form-VII. The petitioner's Society left with no other option filed W.P(MD)No.7906 of 2021 seeking to direct the respondent to register forthwith the Form-VII submitted by petitioner's Society, dated 28.12.2020 considering the petitioner representation, dated 28.12.2020 and this Court vide order, dated 16.04.2021 directed the respondent to act upon the Form-VII submitted by the petitioner's Society on 28.12.2020 and deal with the same strictly in accordance with law. Following which, the respondent registered Form-VII submitted by the petitioner for the period from 2020 to 2023.

(viii).At this juncture, Mr D.M.Gulam Hussain had filed writ petition W.P(MD) No.19678 of 2023 seeking to direct the petitioner's College to nominate an Observer for holding an election for the executive members and office bearers for the period from 2023 to 2026. This Court allowed the said petition on 17.08.2023 following which, appointed the Observers to conduct the General Body Meeting on 27.08.2023.

(ix).Subsequently, newly elected office bearers and constitution of



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Managing Committee for the period 2023 to 26 was made in terms of the order passed by this Court in W.P(MD) No.19678 of 2023 dated 17.08.2023. Thereafter, the petitioner convened a meeting on 27.08.2023 and resolutions were passed for constitution of Managing Committee and the petitioner thereafter, submitted Form-VII to the respondent vide communication, dated 29.08.2023 containing details of the newly elected office bearers for the period from 2023 to 2026 signed by the secretary of the Society along with necessary charges and process fee and registration of Form-VII on 01.09.2023. The petitioner also sent another representation, dated 04.09.2023 and in person on 05.09.2023 to the respondent in this regard. Subsequently, the respondent had sent a communication vide proceedings, dated 05.08.2023 to the petitioner explaining certain reasons regarding registration of Form-VII and further regarding some objection has been received for registration of Form-VII were communicated. Thereafter, the petitioner had sent a detailed representation on 15.09.2023 to the Secretary, Commercial tax and Registration Department, Secretariat, Chennai and the same was received by him. The petitioner also made another representaiton on 06.09.2023 in person.

(x).Even thereafter, the respondent did not take any steps for registration of Form-VII. Hence, the petitioner filed W.P(MD)No.681 of 2024



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seeking to direct the respondent forthwith to register Form-VII submitted by the petitioner's Society, dated 29.08.2023. Pending the writ petition, the respondent issued the present impugned order, dated 23.01.2024 citing the same reasons of pendency of cases in respect of petitioner's Society for refusal of registration of Form-VII for the newly elected office bearers. Challenging the same, this writ petition came to be filed.

5.The matter in hand is no more *res-integra* and this Court has also dealt with a case with respect to the same Society in similar circumstances in W.P(MD) No.7906 of 2021, dated 16.04.2021 and has passed favourable orders to the petitioner College and the relevant portion is extracted hereunder:

“7. The grievance of the petitioner Society is that the respondent in spite of receiving the Form-VII from the petitioner Society is yet to act upon and register the same. Aggrieved by the inaction on the part of the respondent, the present Writ Petition has been filed before this Court seeking for appropriate directions.

8. In the considered view of this Court, the election itself took place pursuant to the directions issued by this Court in W.P.(MD).No.11726 of 2020 and the name of the office bearers for the period from 2020-2023 has also been forwarded to the respondent through Form-VII, which requires registration. Therefore, taking into



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consideration the facts and circumstances of the case, there shall be a direction to the respondent to act upon the FormVII submitted by the petitioner Society on 28.12.2020 and deal with the same, strictly in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order”.

6.Fully fortified by the order passed by this Court in the case discussed *supra* and observing the fact that only pursuant to the order passed in W.P(MD) No.19678 of 2023, dated 17.08.2023, the petitioner College had constituted a newly elected office bearers and Managing Committee for the year 2023 to 2026. Thereupon, when the petitioner College vide communication, dated 29.08.2023 had sent Form-VII to the respondent containing details of newly elected office bearers for the period from 2023 to 2026 duly signed by the Secretary of the College, the respondent ought to have registered the same facilitating proper administration of the College. On the other hand, citing the reason of pendency of the petition in W.P(MD) No.2275 of 2023, the respondent had refused to register the same, without taking into account the fact that there is no interim order adverse to the Society in the said case.



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7. In view of the same, this Court is inclined to quash the impugned order. Accordingly, this writ petition stands allowed and the impugned order, dated 23.01.2024 passed by the respondent is quashed and consequently the respondent is directed to register forthwith Form-VII submitted by the petitioner's Society, dated 29.08.2023 within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

The District Registrar (Administration),
Sivagangai District,
Sivagangai 630 561.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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