



W.P.(MD)No.6221 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.6221 of 2024

Kalloorani Kshathriya Nadargal Uravinmurai,
Kalloorani,
Represented by its President,
N. Rajamanickam,
Kallorani,
Aruppukkottai Taluk,
Virudhunagar District.

... Petitioner

Vs.

The District Registrar (Societies Registration),
Viridhunagar Distict.

.... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent in his proceedings in Aa.Thi.Mu.No.8587/E1/2023 dated 14.12.2023 and quash the same and direct the respondent to approve the Form VII proposal submitted by the petitioner dated 08.12.2023 with all consequential benefits.

For Petitioner	: Mr.V.Paneer Selvam
For Respondent	: Mr.P.Subbaraj, Spl. Govt. Pleader



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ORDER

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This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the respondent in his proceedings in Aa.Thi.Mu.No.8587/E1/2023 dated 14.12.2023 and quash the same and direct the respondent to approve the Form VII proposal submitted by the petitioner dated 08.12.2023 with all consequential benefits.

2. It is the case of the Writ Petitioner that Election for the society was conducted on 14.10.2023 and new office bearers have been elected. Pursuant to the said election, when Form VII was submitted notifying the change in office bearers, the impugned order has been passed directing the petitioner to comply the provisions contained in Section 16(3) of the Tamil Nadu Society Registration Act, 1975. Challenging the same, the petitioner has filed this Writ Petition.

3. The respondent has not filed any counter affidavit.

4. Heard the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.



5. As far as the filing of Form VII is concerned, Rule 17 of the Tamil Nadu Societies Registration Rules, 1978 is governed the same and the same reads as follows:

“17. Filing of copy of the register of members and notice of change of members or committee.— (1) A copy of the register of members maintained by the society under sub-section (1) of Section 14, if not filed at the time of registration of the society, shall be filed with the Registrar within one month from the date of registration of the society.

(2) The notice of any change among the members of the society or of the committee shall be filed in Form No.VII within [three months] from the date of such change. The notice of change among the members of the committee shall be accompanied by the resolution of the meeting, if any, effecting such change.”

6. On a perusal of the above Rule makes it clear that any change among the members of the society, the same shall be filed in Form VII from the date of such change. Therefore, it is only a ministerial act and if it is filed, it has to be accepted particularly when the change has been effected. In the event, the accounts as required under Section 16 of the Tamil Nadu Societies Registration Act, 1975, has not been filed, it gives a separate cause of auction. A bear reading of the Rule 17 of Tamil Nadu Societies Registration Rules, 1978 and Section 16(3) of the of the Tamil Nadu Societies Registration Act, 1975 makes it very clear that



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the filing of the accounts in respect of the preceding years not a condition precedent for approving the Form VII. This has also been held by this Court in W.P.(MD)No.5782 of 2016, by an order dated 01.08.2016 [Kallar Kalvi Kazhagam Vs. The District Registrar (Admn.). Theni].

7. In such view of the matter, the impugned order dated 14.12.2023 passed by the respondent is quashed and the respondent is directed to approve the Form VII proposal submitted by the petitioner dated 08.12.2023, within a period of one month from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

18.10.2024

NCC : Yes/No
Index : Yes/No
vsm



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To

The District Registrar (Societies Registration),
Viridhunagar District.



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N.SATHISH KUMAR, J.

vsm

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