



W.P.(MD)No.13675 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.13675 of 2024

Jeyachandran

... Petitioner

/Vs./

1. The Inspector General of Registration,
No. 100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

2. The District Registrar
The District Registrar Office,
Periyakulam, Theni, Theni District.

3. Suruliyapan Nadar

4. Kannisamy Nadar

5. Karuppaiah Nadar

6. Karuthapandi Nadar

7. Marimuthu Nadar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to the impugned order passed by the second respondent vide
office proceedings in Na.Ka.No.5692/A2/2023 dated 03.11.2023 and



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quash the same as illegal and consequently direct the respondents 1 and 2, to cancel the registration of the Society in Registration No.6/2015 on the file of the second respondent.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.P.Maharajan

Special Government Pleader for R1&2

: Mr.N.Saravanan for R3-5 & 7

: No appearance for R6

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 03.11.2023, thereby rejected the request made by the petitioner, to cancel the registration of the Society bearing Registration No.6/2015, Seepalakottai Nadar Uravin Murai.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is an executive member of Seepalakottai Nadar Uravin Murai. It was formed for the purpose to serve their community



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people. Thereafter, it was registered under the Tamil Nadu Societies Registration Act, 1975, vide Registration No.6/2015, it was not filled with members “7” to register the Society. It was registered without sufficient executive members of the Society.

4. On perusal of the Registration of Seepalakottai Nadar Uravin Murai Society, it revealed that there were only 6 members signed as executive members of the Society. It is relevant to extract Section 7 of the Tamil Nadu Societies Registration Act, 1975, is as follows:

“7. (1) The memorandum and the by-laws of the Memorandum Society shall be printed or typewritten.

(2) The memorandum shall be signed by at least seven members who shall add their addresses and occupation in the presence of at least one witness who shall attest the signatures.

(3) The by-laws shall be signed by the signatories to the memorandum.”

5. Thus, it is clear that the Memorandum shall be signed by at least “7” members, who shall add their addresses and occupation in the presence of atleast one witness, who shall attest the signatures.



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Therefore, the Society was not registered, inconsonance with the provision under Section 7 of the Tamil Nadu Societies Registration Act, 1975.

6. The learned Special Government Pleader, on instructions, submitted that if the Society once registered under the Tamil Nadu Societies Registration Act, 1975, as per Section 55, the registered Society cannot be invalidated of certain defects. It is relevant to extract Section 55 of the Tamil Nadu Societies Registration Act, 1975, is as follows:-

“55. Acts of registered societies, etc., not to be invalidated by certain defects. No act or proceeding of a registered society or any committee or of any officer of the society shall be deemed to be invalid merely on the ground-

(a) of any vacancy or defect the organisation of the society or the formation of the general body or the constitution of the committee ;

(b) of any defect or irregularity in the election or appointment of a member of the committee or an officer of the society | or

(c) of any defect or irregularity in such act or



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7. If any internal defects found in the Society, it cannot be the ground for invalidate the registration of the Society, whereas, in the case on hand, admittedly, six executive members were presented for registration of the Society and six were signed, it is against the provision of Section 7 of the Tamil Nadu Societies Registration Act, 1975. That apart, the second respondent without even conducting any enquiry, by giving opportunity to the petitioner, mechanically rejected the request made by the petitioner, seeking cancellation of registration of the Society.

8. In view of the above, the impugned order passed by the second respondent dated 03.11.2023 cannot be sustained and the same is liable to be quashed, accordingly, quashed. The matter is remitted back to the second respondent for fresh consideration. The second respondent is directed to issue notice to the petitioner and other members to conduct enquiry and pass orders in the light of the above observation on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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9. With the above direction, this Writ Petition is allowed. No costs.

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Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

TO:-

1. The Inspector General of Registration,
No. 100, Santhome High Road,
Pattinapakkam, Chennai 600 028
2. The District Registrar
The District Registrar Office,
Periyakulam, Theni, Theni District



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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
09.12.2024